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No. 4

## House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. HINOJOSA).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.

January 9, 2007.

I hereby appoint the Honorable RUBEN HINOJOSA to act as Speaker pro tempore on this day.

NANCY PELOSI,

*Speaker of the House of Representatives.*

### MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

### IRAQ

Mr. BLUMENAUER. Thank you, Mr. Speaker.

No matter what you call it, another escalation in the war in Iraq is wrong. I will oppose in both word and deed any effort to send more troops. We've tried it before. It will not just mean more American casualties. It will bring more violence to the Iraqis while adding to the burden on our already strained Armed Forces. We should start instead bringing our troops home, not sending more into harm's way in what the

President's advisers have already admitted is a political decision, not a strategic one. Let's take advantage of the new congressional leadership to change direction in what Americans know is our most important issue, ending the war in Iraq.

We should start with the resolution the Bush administration used to authorize this disaster. Knowing what we know now, the authorization of force bears little relation to reality. Instead, the committees of jurisdiction should use their upcoming hearings to craft new legislation that will mean a withdrawal of our troops as well as guide our continued involvement in Iraq until that withdrawal is complete. I will introduce legislation later this month that would provide exactly that sort of guide by refocusing our efforts on political, diplomatic and economic strategies.

Most importantly and most immediately, Congress has clear authority through its power of the purse. We must demand accountability for how money is spent, who is getting how much and for what purpose. We need to target war profiteering. There are too many accounts of contractors who have taken taxpayer dollars and abandoned our troops under fire and the Iraqi people in need. We need an entity like the Truman Commission during World War II to aggressively investigate contractors, punish war profiteers and recover misspent funds by canceling any failed or fraudulent contracts. By redirecting as much of the money as possible to projects run for and by Iraqis, we can repair that damaged country as cost effectively as possible.

We must also reconsider the unprecedented privatization of our military effort. The outsourcing of these basic support functions in Iraq has left contractors unaccountable to the American people, immune from military law and has cost the taxpayers much more than we've needed to spend.

While we're at it, Congress should end the outsourcing of our work. It should be embarrassing to the Republican leadership that it took the Iraqi Study Group to provide the oversight and accountability that Congress should have done these past 4 years.

We need to work to make sure the political discussion surrounding Iraq is not just more civil but more effective. We need to make it possible to debate this issue in terms of facts and the policy consequences and not hide behind the cloud of politics. In the 2002, 2004 and 2006 election cycles, there was lots of talk about Iraq, but people didn't tell the truth. Instead, the issue was manipulated for political purposes. We must resist the efforts to reduce this discussion to how it will impact the next election rather than how we got into this mess and how we are going to get out of it. In all of this conversation, we need to be dealing with the long-term security of the United States.

We must look at the President's plan to escalate the war in Iraq in the context of those violent fundamentalists around the world that would do us harm, threats of genocide in Darfur and chaos in Somalia, nuclear proliferation, global warming and the loss of America's influence in the world. In none of those areas does escalating the war in Iraq make the world a safer place.

The American people would welcome Congress doing our job right. Only then can we turn this disaster around and provide the security for families in America and around the world.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 40 minutes a.m.), the House stood in recess until noon.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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□ 1200

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MORAN of Virginia) at noon.

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

This Nation is still in mourning for President Gerald Ford. Today, as the House of Representatives pays tribute to him, we pray to You, Lord God, paraphrasing his own remarks in 1974 on taking the oath of office as President:

"We believe that truth is the glue that holds government together, not only our government but civilization itself. That bond is unbroken at home and abroad.

"In all our public and private acts as Members of Congress, we expect to follow our instincts of openness and candor with full confidence that honesty is always the best policy in the end.

"As we bind up internal wounds, let us restore the golden rule to our political process and let mutual love purge our hearts of suspicion and of hate."

At the beginning of the 110th Congress, we ask the people of this Nation for their prayers. With all the strength and all the good sense we have gained from life, with all the confidence our family, our friends and dedicated staff impart to us and with the good will of countless Americans we have encountered, we now solemnly reaffirm our promise to uphold the Constitution, to do what is right as God gives us to see the right, and to do the very best we can for America.

"God helping us, we will not let you down."

Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Ms. EDDIE BERNICE JOHNSON of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced

that the Senate has agreed to the Following Resolution:

S. RES. 19

Whereas Gerald Rudolph Ford, the 38th President of the United States, was born on July 14, 1913, in Omaha, Nebraska;

Whereas Gerald Ford was raised in Grand Rapids, Michigan, where he was active in the Boy Scouts, achieving the Eagle Scout rank, and where he excelled as both a student and an athlete during high school;

Whereas after graduating from high school, Gerald Ford attended the University of Michigan at Ann Arbor, where he played on the university's national championship football teams in 1932 and 1933, and was honored as the team's most valuable player in 1934, before graduating with a B.A. degree in 1935;

Whereas Gerald Ford later attended Yale Law School and earned an LL.B. degree in 1941, after which he began to practice law in Grand Rapids;

Whereas Gerald Ford joined the United States Naval Reserve in 1942 and served his country honorably during World War II;

Whereas upon returning from his service in the military, Gerald Ford ran for the United States House of Representatives and was elected to Congress;

Whereas Gerald Ford served in the House of Representatives from January 1949 to December 1973, winning reelection 12 times, each time with more than 60 percent of the vote;

Whereas Gerald Ford served with great distinction in Congress, in particular through his service on the Defense Appropriations Subcommittee, of which he rose to become ranking member in 1961;

Whereas in addition to his work in the House of Representatives, Gerald Ford served as a member of the Warren Commission, which investigated the assassination of President John F. Kennedy;

Whereas in 1965, Gerald Ford was selected as minority leader of the House of Representatives, a position he held for 8 years;

Whereas after the resignation of Vice President Spiro Agnew in 1973, Gerald Ford was chosen by President Richard Nixon to serve as Vice President of the United States;

Whereas following the resignation of President Nixon, Gerald Ford took the oath of office as President of the United States on August 9, 1974;

Whereas upon assuming the presidency, Gerald Ford helped the nation heal from one of the most difficult and contentious periods in United States history, and restored public confidence in the country's leaders;

Whereas Gerald Ford's basic human decency, his integrity, and his ability to work cooperatively with leaders of all political parties and ideologies, earned him the respect and admiration of Americans throughout the country;

Whereas the John Warner National Defense Authorization Act for Fiscal Year 2007 recommended that America's next nuclear-powered aircraft carrier, designated as CVN-78, be named as the U.S.S. Gerald R. Ford, in honor of our 38th President; and

Whereas Gerald Ford was able to serve his country with such great distinction in large part because of the continuing support of his widely admired wife, Elizabeth (Betty), who also has contributed much to the nation in many ways, and of their 4 children, Michael, John, Steven, and Susan: Now, therefore, be it

*Resolved*, That the Senate notes with deep sorrow and solemn mourning the death of President Gerald Rudolph Ford.

*Resolved*, That the Senate extends its heartfelt sympathy to Mrs. Ford and the family of President Ford.

*Resolved*, That the Senate honors and, on behalf of the nation, expresses deep apprecia-

tion for President Ford's outstanding and important service to his country.

*Resolved*, That the Senate directs the Secretary of the Senate to communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the former President.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 197. An act to authorize salary adjustments for justices and judges of the United States for fiscal year 2007.

## RAISING THE MINIMUM WAGE

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, the sad truth is that we have an epidemic of working poor in this country. These are Americans who work 40 to 60 hours a week and sometimes 7 days a week, yet can't afford the basic necessities. At \$5.15 per hour, a full-time minimum wage worker makes less than \$11,000 a year, which is less than most of us make in a month. These aren't just teenagers working part time. Most minimum-wage workers are actually hardworking disadvantaged adults. Each day these working poor are faced with the impossible decision of having to choose between food, clothing, shelter, medicine and utility bills. No American who works hard for a living should have to make those types of choices. We cannot continue to look away while hardworking Americans linger in poverty. This isn't just an economic issue, it is an ethical and moral issue.

I commend the Democratic leadership for their dedication to this issue, and I urge my colleagues to support this raise for the millions of Americans who deserve it.

## MEXICO GOES HIGH-TECH ON ILLEGAL ENTRY

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, Mexican illegals looking to breach entry into the United States are receiving encouraging help from their own government. In the past, the Mexican government has provided pamphlets to illegals on how to sneak into the United States. Now the Mexican government has announced it is going high tech. The government will provide illegals with GPS tracking devices, allowing them to call on the U.S. Cavalry, the U.S. Customs and Border Patrol, if they get lost among the treacherous rivers and deserts lining the U.S.-Mexico border.

By passing out GPS devices free of charge, Mexico wants the U.S. to rescue illegals that are in trouble on American soil and provide them free medical attention but supposedly let them still stay in the United States. Instead of discouraging Mexican citizens from illegally entering America,

Mexico is asking the U.S. to cooperate, ignore the invasion and then provide aid to stranded illegals.

Mr. Speaker, this is absurd. Our Federal Government's loyalties lie with the American people, not with illegals that are colonizing America. The U.S. must stand firm against the Mexican government's unlawful, illegal invasion into our homeland.

And that's just the way it is.

#### THE KUCINICH PLAN FOR EXIT FROM IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Mr. Speaker, there is a compelling need for a new direction in Iraq, one that recognizes the plight of the people of Iraq, the false and illegal basis of the United States' war against Iraq, the realities on the ground which make a military resolution of the conflict unrealistic, and the urgent responsibility of the United States to use the process of diplomacy and international law to achieve stability in Iraq.

Today, I am presenting to Congress what is called the Kucinich Plan for Exit from Iraq. These are some of the elements:

1. The U.S. announces it will end the occupation, close military bases and withdraw.
2. The U.S. announces it will use existing funds to bring the troops and necessary equipment home.
3. Order a simultaneous return of all U.S. contractors to the U.S. and turn over all contracting work to the Iraqi government.
4. Convene a regional conference for the purpose of developing a security and stabilization force for Iraq.
5. Prepare an international security and peacekeeping force to move in, replacing U.S. troops who then return home.
6. Develop and fund a process of national reconciliation.
7. Reconstruction and jobs.
8. Reparations.
9. Political sovereignty.
10. Dealing with the Iraq economy.
11. Economic sovereignty for Iraq.
12. A process of international truth and reconciliation between the people of the United States and the people of Iraq.

It is time for a new direction, and the Kucinich plan offers that direction.

#### PAYGO AND EARMARK REFORM

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today to discuss fiscal responsibility and earmark reform. I have spent my entire political career fighting to reduce wasteful spending so Americans can keep more of their hard-earned money.

In the 109th Congress, I voted for H. Res. 1000 which provided for earmark

reform by requiring full disclosure of earmarks on funding, authorization and revenue legislation so Members and the public will be able to easily identify projects which otherwise may be inappropriately hidden from adequate scrutiny in a timely manner.

Earmark reform is important to providing accountability of government spending. It is truly disappointing and a shame that the Democrat leadership coupled it with the fiscally irresponsible policy of PAYGO, which forced many of us to vote "no." PAYGO is based on tenuous economic projections, is unreliable and, simply put, will make it easier to raise taxes and more difficult to give taxpayers back their money.

I voted for the Republican motion to commit which included the earmark reform and excluded PAYGO. Unfortunately, the Republican motion did not succeed, and we now face fiscal policies where government can spend more and continually raise taxes on the American taxpayer.

#### INTEROPERABLE PUBLIC SAFETY COMMUNICATIONS

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, in its final report, the 9/11 Commission concluded, and I quote:

"The inability to communicate was a critical element of the World Trade Center, Pentagon and Somerset County, Pennsylvania, crash sites where multiple agencies and multiple jurisdictions responded. The occurrence of this problem at three very different sites is strong evidence that compatible and adequate communications among public safety organizations at the local, State and Federal levels remains an important problem. Federal funding of such interagency communication units should be given high priority."

The lack of interoperability among first responders has plagued our Nation for too long. Today Congress is taking an important step to give our first responders the tools they need to do their jobs and keep our Nation safe.

The fact is that, since September 11, the Republican administration and Congress failed to make adequate investments in interoperable communications for our police, firefighters and EMTs. After September 11, President Bush said, "We want to spend money to make sure equipment is there, strategies are there, communications are there to make sure that you have whatever it takes to respond." Yet under President Bush and the Republican-led Congress, the money was not allocated, the equipment was not there, strategies were incomplete and first responders still could not communicate across agencies and jurisdictions.

Today, Congress will consider the Implementing the 9/11 Commission Rec-

ommendations Act which will create a stand-alone grant program for interoperable communications. Today, the Democratic Congress starts a new direction for public safety and to keep America safe.

#### CAPTAIN HAYES CLAYTON

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to pay tribute to the memory of Captain Hayes Clayton, a heroic member of our military who was killed in action on Christmas day in Balad, Iraq.

Captain Clayton was a classmate of my daughter, Laura Neil. She remembers his strength of character. Others have remembered his strength of faith. Indeed, Captain Clayton leaves behind a legacy of living by the highest moral principles.

Before enlisting in the Army, Captain Clayton was known as a standout defensive end on the football team at Marietta High School and a skilled Army ROTC member at Fort Valley State University in Georgia.

Captain Clayton leaves behind his parents, Reverend Hayes and Marlena Clayton, his brothers Eric and Michael, his loving wife Army First Lieutenant Monica Clayton, and a precious 4-month-old son, Hayes, III, who proudly carries on his father's name.

Mr. Speaker, my prayers go out to his family and my deepest gratitude goes out for his selfless and deep sacrifice for our Nation. I ask you to join me in honoring the distinguished memory of Captain Hayes Clayton.

#### BETTER SECURING OUR NATION BY PASSING THE 9/11 COMMISSION RECOMMENDATIONS

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, securing the safety of the American people is our number one priority as elected officials. To do this we must look at all facets of homeland security and take all necessary precautions seriously. Democrats have pledged to address the matter of homeland security comprehensively by implementing the recommendations of the independent, bipartisan 9/11 Commission. Of their 41 recommendations made over 2 years ago, many have been only partially implemented and others have not been implemented at all.

Because of this delay in addressing the Commission's recommendations, we still have major holes in our homeland security system. More than 5 years after 9/11, only 5 percent of containers entering U.S. ports are screened. In addition, most air cargo is not screened at all, and our first responders are still unable to communicate with each other during an emergency.

Mr. Speaker, Congress can no longer ignore the recommendations of the 9/11 Commission. This week we will have an opportunity to better secure our Nation by beginning the process of approving these recommendations.

□ 1215

#### REMEMBERING PRESIDENT GERALD FORD

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, the last 2 weeks have been a time of sorrow for me, and a time of pride also. I was awakened at 2:00 in the morning to learn that my good friend, President Ford, had passed away. And the succeeding whirlwind of funerals, receptions, and events dealing with his death have reminded us all how much he gave our country and how much he did for our country.

I am proud to call Mr. Ford a friend. I am proud of what he did for our country. I am proud that he so ably reflected the values and virtues of west Michigan, my part of the country.

We pray that You will bless Betty and his family and give them comfort and give them strength.

I will shortly be presenting a resolution honoring President Ford, and I hope that Members will find their way to the floor to speak on this special resolution, or speak later this evening. I encourage them to join me in honoring this great American and wonderful President.

#### SUPPORT H.R. 1

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, we must begin to think differently in America and join hands across the aisle. Our Nation must become secure now, not next week; and that is why I rise in support of H.R. 1.

As other Members have, I ask the current administration to present this Congress with a comprehensive plan for Iraq, a plan that makes sense, a plan based on the realities on the ground in Iraq and in the region, for all of us have the same goal: to build a better and more secure Nation.

By working together, we will accomplish our shared mission, first, by implementing the recommendations of the 9/11 Commission; secondly, by securing our borders; and, finally, by protecting our Nation from threats from nuclear warfare.

Please join me in supporting H.R. 1 as we begin to work together to build a better Nation and a more secure Nation for everyone.

#### WAR ON TERROR

(Mrs. BLACKBURN asked and was given permission to address the House

for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, I do want to speak for just a moment about the war on terror and our efforts in Iraq. It is clear that we have come to a very important time in this effort. The President is going to speak about his strategy tomorrow night.

You know, I have been asked many times over the last few weeks, and certainly on Sunday when I was at Fort Campbell, if I would support a surge in the troops. I think that we have to remember that it is important that we listen to the men and women and the commanders in the field as we have this discussion.

We have to look at the situation: what does it take to defuse it, to stand up the Iraqis and make it easier to relinquish control to the Iraqis for their country.

It is exactly this sort of opportunity and these situations that really animate the work and the leadership of Lieutenant General David Petraeus, the American commander who has been there for a year with the 101st, who was back for a year training the Iraqi troops in Baghdad, and now will return again. He has been called the military's warrior scholar and has drawn deeply on his dual background to create a leadership style that is respectful of military tradition and is innovative. We support General Petraeus.

We look forward to his work there and his leadership style as we work to continue to defeat the terrorists and win the war on terror.

#### TO QUOTE THE KING

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, yesterday, January 8, was the 72nd anniversary of the birth of the King of Rock and Roll, Elvis Presley. Elvis was a Memphian, a U.S. Army veteran, and an ambassador of goodwill throughout the world through his music and movies.

I am here to tell you that Elvis is still alive today in spirit and is as relevant as ever. To quote The King as we proceed through the 100 hours, "It's Now Or Never" that we make the changes that America needs. When this Democratic majority finishes with the status quo, it will be "All Shook Up" because we will do the people's will so we will not be "Return(ed) to Sender." And we won't be cruel to those being paid the minimum wage.

Mr. Speaker, by the way, I have noticed in my office, I think we need a surge protector. Can you get one up there? Thank you, Mr. Speaker.

#### CONGRATULATING ILLINOIS ON DIVERSITY

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, yesterday I attended the inauguration ceremonies for the constitutional offices of the State of Illinois. I want to congratulate the people of Illinois for the diversity in its selection of individuals to run their State.

Governor Rod Blagojevich was re-elected; Lieutenant Governor Patrick Quinn, Irish American; Attorney General Lisa Madigan, a young Irish American; Secretary of State Jesse White, African American; Comptroller Dan Hynes is Irish American; and State Treasurer Alexi Giannoulis, a Greek American who is 30 years old and is going to do an outstanding job.

I simply congratulate the people of the great State of Illinois on its selection of constitutional officers to run its State.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MORAN of Virginia). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

#### MOURNING THE PASSING OF PRESIDENT GERALD RUDOLPH FORD

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 15) mourning the passing of President Gerald Rudolph Ford and celebrating his leadership and service to the people of the United States, as amended.

The Clerk read as follows:

H. RES. 15

Whereas all American Presidents affect the history of the United States, but President Gerald Rudolph Ford leaves a legacy of leadership and service that will endure for years to come;

Whereas millions of men and women across America mourn the death of the 38th President of the United States;

Whereas Gerald R. Ford is the only person from the State of Michigan to have served as President of the United States;

Whereas Gerald R. Ford graduated from the University of Michigan with academic and athletic excellence;

Whereas Gerald R. Ford attended Yale University Law School and graduated in the top 25 percent of his class while also working as a football coach;

Whereas Gerald R. Ford joined the United States Navy Reserves in 1942 and served valiantly on the U.S.S. Monterrey in the Philippines during World War II;

Whereas the U.S.S. Monterrey earned 10 battle stars, awarded for participation in battle while Gerald R. Ford served on the ship;

Whereas Gerald R. Ford was released to inactive duty in 1946 with the rank of Lieutenant Commander;

Whereas in 1948, Gerald R. Ford was elected to the House of Representatives, where he served with integrity for 25 years;

Whereas Gerald R. Ford's contributions to the foreign operations and defense subcommittees of the Committee on Appropriations earned him a reputation as a "congressman's congressman";

Whereas in 1963, President Lyndon Johnson appointed Gerald R. Ford to the Warren Commission investigating the assassination of President John F. Kennedy;

Whereas from 1965 to 1973, Gerald R. Ford served as minority leader of the House of Representatives;

Whereas from 1974 to 1976, Gerald R. Ford served as the 38th President of the United States, taking office at a dark hour in the history of the United States and returning the faith of the people of the United States in the Presidency through his wisdom, courage, and integrity;

Whereas the Presidency of Gerald R. Ford is remembered for restoring trust and openness to the Presidency;

Whereas President Gerald R. Ford followed a steady, sensible course to cope with the Nation's economic problems and during his Administration halted double-digit inflation and lowered unemployment;

Whereas President Gerald R. Ford worked to solidify President Nixon's accomplishments in China, bring representatives of Israel and Egypt to the conference table, and provide developmental assistance to poor countries;

Whereas in 1975, under Gerald R. Ford's leadership, the United States signed the Final Act of the Conference on Security and Cooperation in Europe, commonly known as the "Helsinki Agreement", which ratified post-World War II European borders and supported human rights;

Whereas Gerald R. Ford, together with Betty Ford, was awarded the Congressional Gold Medal in 1999 in recognition of dedicated public service and outstanding humanitarian contributions to the people of the United States;

Whereas in 1999, Gerald R. Ford received the Medal of Freedom, the Nation's highest civilian award, for his role in guiding the Nation through the turbulent times of Watergate, the resignation of President Nixon, and the end of the Vietnam War, and for restoring integrity and public trust to the Presidency;

Whereas since leaving the Presidency, Gerald R. Ford has been an international ambassador of American goodwill, a noted scholar and lecturer, and a strong supporter of the Gerald R. Ford School of Public Policy at the University of Michigan, which was named for the former President in 1999; and

Whereas Gerald R. Ford's life has been characterized by honesty, integrity, and dedication of purpose: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) expresses its appreciation for the profound public service of President Gerald Rudolph Ford;

(2) tenders its deep sympathy to Betty Ford; to Michael, Jack, Steven, and Susan; and to the rest of the family of the former President; and

(3) directs the Clerk of the House to transmit a copy of this resolution to the family of President Gerald Rudolph Ford.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Virginia (Mr. TOM DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the debate on the pending motion to suspend be extended to 1 hour.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

#### GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 15.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Gerald Ford, the Nation's 38th President, and the only person to serve both as President and Vice President, although elected to neither office, led the Nation out of the dark days of the Watergate scandal. When Ford took office on August 9, 1974, he declared: "I assume the Presidency under extraordinary circumstances. This is an hour of history that troubles our minds and hurts our hearts."

After playing football at the University of Michigan and serving on an aircraft carrier in the Navy during World War II, Ford was elected to the House of Representatives in 1948 as a Republican. The district he represented included his hometown of Grand Rapids, Michigan. Ford's reputation for integrity and openness made him popular and well regarded among his peers during his 25 years in Congress.

In 1965, he was elected minority leader. In October of 1973, Vice President Spiro Agnew resigned from office after pleading no contest to tax evasion. President Nixon, ensnared in the rising Watergate scandal, asked the well-respected Ford to leave Congress in order to replace Agnew, and he accepted.

In September 1974, Ford granted President Nixon a pardon, an act that is credited for calming American anxieties about the Watergate controversy. "It was a tough decision," Ford told USA Today in an interview in 2000. "We needed to get the matter off my desk so I could concentrate on the problems of 260 million Americans and not have to worry about the problems of one man."

Gerald Ford was a devoted public servant who led this country with grace and bipartisanship during challenging times. All of America is grateful to him for his leadership and dedication.

Mr. Speaker, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, though he served as President for only 2½ years, Gerald Rudolph Ford, Jr., leaves a legacy of leadership and service that will endure for years to come. As the 38th President of the United States, he is remembered as a man whose integrity and decency would be the salve needed to heal a deeply divided country during one of

the most politically turbulent periods in our Nation's history. He is also remembered as a loving and loyal husband, family man, and friend.

Born on July 14, 1913, in Grand Rapids, Michigan, Gerald Ford graduated from the University of Michigan and excelled in both academics and athletics. He was voted the most valuable player on the football team his senior year at Michigan, which led to offers to play for the Chicago Bears and the Green Bay Packers.

Despite these offers, Ford decided that law would be a better career choice. He attended Yale University Law School, graduating in the top 25 percent of his class while working as a football and a boxing coach.

It was at Yale that he would receive his first taste of national politics, volunteering on Wendell Willkie's 1940 Presidential campaign.

His rise in Michigan politics was put on hold when he joined the United States Navy in 1942 to serve in the Second World War. He served valiantly on the aircraft carrier USS *Monterrey* until 1946, attaining the rank of lieutenant commander.

1948 was a banner year for Ford as it was the year he was elected to the House of Representatives, with over 60 percent of the vote, the lowest margin he was ever to receive. It was also the year he would marry Elizabeth "Betty" Bloomer, who would become one of his most ardent campaigners and mother to their four children.

Ford served in the House for distinction and honor for 25 years, where his contributions earned him a reputation as a Congressman's Congressman. Even though his highest aspiration was to be Speaker of the House, he never got the chance. He did, however, hold the highest Republican post in a Democratically controlled Congress by being elected the minority leader in 1965.

He held that post until 1973 when he was appointed by President Nixon to replace Spiro Agnew as Vice President of the United States of America amid allegations of corruption.

After Nixon's resignation on August 9, 1974, Gerald Ford became the 38th President of the United States and has the distinction of being the only person to serve as but never be elected by the populace to either the Presidency or the Vice Presidency.

As President, he followed a steady, sensible course to cope with the Nation's economic problems. He is credited with halting double-digit inflation and lowering unemployment. He also worked to solidify President Nixon's accomplishments in China and ended U.S. involvement in the Vietnam War.

Under his leadership, the United States signed the final act of the Conference on Security and Cooperation in Europe, commonly known as the Helsinki agreement, which ratified post-World War II European borders and supported human rights, and is now regarded as having helped bring down the Soviet Union.

Maybe most importantly, his wisdom, courage and integrity restored the faith of the American people in the executive branch of government. His time in office is remembered for restoring trust and openness to the Presidency.

His courageous and difficult decision to pardon President Nixon may have cost him the election. However, it is now regarded as being in the best interest of the Nation, allowing it to move forward and recover from a tumultuous time.

After leaving the Presidency, Ford became an international ambassador of American goodwill, a noted scholar and lecturer, and a strong supporter of the Gerald R. Ford School of Public Policy at the University of Michigan. And together with his wife, Betty, he was awarded the Congressional Gold Medal in 1999 in recognition of their dedicated public service and outstanding humanitarian contributions to the people of the United States.

□ 1230

Also in 1999 Ford received the Medal of Freedom, the Nation's highest civilian award, for his role in guiding the United States through the turbulent times of Watergate, the resignation of President Nixon and the end of the Vietnam War, and for restoring integrity and public trust to the Presidency.

Gerald R. Ford, the President and the man, embodied many fine characteristics that we as Americans value: honor, integrity, decency, hard work and kindness. For this, I ask my colleagues to join in honoring his legacy by supporting this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from Virginia for his remarks and would like to yield such time as he may consume to the gentleman from Michigan, Representative BART STUPAK.

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased to be an original cosponsor of this resolution, paying tribute to one of Michigan's greatest sons, a man who dedicated the best years of his life to public service, President Gerald R. Ford. Those who knew Gerald Ford remember him for his humility, his understanding of the virtue of public service and his dedication to his family. Michigan and America have lost a statesman who truly believed in the honor of public service.

President Ford will be remembered not only for his Presidency but also for his distinguished career representing Michigan in Congress and for his service as minority leader of the United States House of Representatives. He believed deeply in this institution, and he served his State, his party and his Nation skillfully as a Congressman for more than a quarter of a century. President Ford exemplified the values both of this institution and the great State of Michigan with humility, good humor, faith and persistence.

Gerald Ford did not seek power or fame, but he answered the call of our Nation's highest office when our Nation needed him. He was selected to be Vice President because of his high character, bipartisanship and integrity. Eight months later, these qualities were evident when President Ford helped heal a divided nation after the Watergate scandal.

There can be no better demonstration of a tribute to President Gerald R. Ford than the outpouring of gratitude and respect from ordinary citizens when he was laid to rest on January 3. The people of Michigan remember him not only as President or minority leader but as a constant presence in our lives and as a selfless, dedicated public servant who talked about the values that unite us in the most divisive of times.

President Gerald R. Ford represented us with honor and courage, and he will be deeply missed. To Betty and his children, Michael, Jack, Steven and Susan, thank you for sharing the President with us.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield such time as he may consume to the author of this resolution, the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of H. Res. 15, a resolution I introduced along with Speaker PELOSI, Republican Leader BOEHNER, Majority Leader HOYER and the entire Michigan congressional delegation. This resolution honors our great President, Gerald R. Ford, who was also an outstanding Member of Congress.

I am privileged to serve in the same House seat that President Ford held. I am still deeply honored when people, both here and in Grand Rapids, Michigan, refer to my district as "Jerry Ford's district." After all these years, they still consider it to be Jerry's.

He personified the many good traits that West Michigan has to offer our Nation; honesty, integrity and a sense of courage and duty. I think you are going to hear these words a great deal as we honor President Ford in this chamber, where he honorably served for 25 years.

I was deeply touched by the funeral services and memorial celebrations held for President Ford over the past 2 weeks since his death on Tuesday, December 26, 2006. I want to thank all those who helped plan and carry out those memorable events, which solemnly reflected on this great man and his service and leadership to our Nation. I am pleased that this House can now take time at the beginning of a new Congress to celebrate and remember one of our own Members and the great things that he did for our country.

For many younger Americans, these past tributes have served as a history lesson about the so-called "accidental President." They have learned, and

those of us who knew him, have remembered his athletic prowess at the University of Michigan; his brave service in the Navy during World War II; his outstanding representation of Grand Rapids and Western Michigan in the Congress; his ascension to the Republican Leader's position in 1965; his appointment and confirmation as Vice President in 1973; and, of course, his rise to the Presidency in the wake of Richard Nixon's resignation in August 1974.

What has struck me during the memorial services and tributes is the shift in the way President Ford is regarded as compared to some of the opinions during his Presidency. For example, at the time of his appointment as Vice President, the Wall Street Journal editors wrote that the nomination "caters to all the worst instincts on Capitol Hill, clubbiness, partisanship and the small-mindedness that thinks in terms of those who should be rewarded rather than those who could best fill the job."

Little did the Wall Street Journal know that the Congress had in fact picked the person who could best fill the job; they later changed their thoughts and their writings about President Ford.

I think a lot of people probably thought at the time as the Wall Street Journal did. He was a political insider, from a relatively small city in Michigan, who many knew little about. But those of us in Grand Rapids, his constituents and his colleagues, knew who he was, a decent, thoughtful, trustworthy man, full of integrity and courage.

As it turns out, the country should be eternally grateful for the blessing of the timely leadership, strength and wisdom of Jerry Ford during this perilously difficult time in the constitutional history of our nation. I am glad that 30 years of history have shown that the Members of Congress, and those who advised President Nixon on his appointment, knew what they were talking about and what they were doing.

President Ford's appointment and his ascendancy to the office of President was not the result of "clubbiness" or "political favor." He was the person best suited to fill the job, and he literally healed our Nation by the actions that he took during those troubled times.

I am pleased that the opinion writers at the Wall Street Journal recognized this when editorializing after his death. They eloquently wrote that President Ford navigated many perils in his short tenure, including the public furor over Watergate, the unpopularity of the Vietnam War, dramatic inflation and a struggling economy, and, as they put it, "better than he gets credit for."

I think that over time history will continue to hold President Ford in even higher regard for the actions he took to bring honor and respect back to the Presidency, to stabilize the



economy, and to lay the groundwork for freedom and democracy to spread and for Soviet communism to fall.

My thoughts and prayers continue to go out to Betty and to their children, Michael, Jack, Steven and Susan, as well as their grandchildren. The Ford family demonstrated remarkable composure and strength during these long weeks of mourning, and we thank them for helping to lead us in our grief.

At the beginning of this new year and this new Congress, I am hopeful that we in this House will be mindful of the life and legacy of Jerry Ford. He served in this House with distinction, he treated everyone with respect, and he always conducted himself with honesty, integrity and forthrightness in every matter he undertook. I pray that we will do the same.

His family creed, incidentally, although humorous, is one we should all emulate: "Work hard, tell the truth, and come to dinner on time."

Mr. Speaker, I know all my colleagues will support this resolution to honor our 38th President.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, during the last week we have heard many discussions about the impact of President Gerald Ford. We have heard people talk about the fact that he was never elected to either the Presidency nor the Vice Presidency of the United States. But yet his impact has been felt in such a way, as I listened to Representative EHLERS from Michigan talk, that people still refer to the district as his district.

I hear individuals who are sports fans who remember his days as an athlete when he played football and the fact that whatever the assignments were, that he could pick up the assignment and do exceptionally well with it, and that oftentimes he didn't veer too far from the center. He didn't always veer so far to the left or he didn't always veer so far to the right, but he was one of these kind of straight-down-the-middle people who protected the interests of his colleagues, who protected the well-being of his mates, who protected the interests of those on the team.

I think he saw America as a team and, when he was given the ball, decided that his greatest challenge was to protect the interests of America. And that is what he did, even though he probably knew that it would cause some difficulty with his reelection.

Even though he knew that in all likelihood and all probability there were individuals who would be concerned enough that they may not give him the kind of support that he would need to be reelected, he did it anyway. He did it because he could put the interests of the country above those of any personal feelings or personal need that he had. I think that that is really what puts him down in history as one who excelled to the point of greatness, because he served the country and served the interests of the country extremely well.

Mr. Speaker, when students study politics, when young people are trying to understand what it is that they need to be and what they ought to become if they really want to be a great public servant, they should study the life of President Gerald Ford, and they should understand that being a public servant is to put the public interest first. That is what he did, that is what he is noted for, and that is why all of America continues to revere him, especially those of us who are old enough to remember that period, who are old enough to kind of recall the mood of the people and what was taking place and what was going on at that time.

No matter how historians write the script, you can never take away what President Gerald Ford did for America. That is why we salute him, and that is why we raise him up; that is why we lift him to the American people, and that is why this resolution is so important.

Mr. Speaker, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. Mr. Speaker, I rise as a proud Michigander today to express my profound respect and appreciation and admiration for the life and public service of our 38th President.

President Gerald Ford was a man of impeccable integrity and ethics who served valiantly in World War II on the USS *Monterey*, where he came close to losing his life in December of 1944. After returning home to Michigan, his calling remained in public service to his country. He ran for the Grand Rapids area congressional seat against an incumbent Republican congressman. Nobody thought he could win. But with a strong conviction and a clear contrast between the two, he won two-to-one in the primary.

□ 1245

President Ford went on to serve 25 years in the U.S. House and was voted in 1961 by the House membership as a "Congressman's Congressman." Rising to the rank of Republican leader, he was known for his modesty, his intelligence and thoughtfulness throughout his career. After Ford became President, his decisions that he made, though costing him politically, healed a fractured Nation. Today, we thank him for putting our country ahead of his own political success.

May we never forget this great Michigander, and may the Lord's blessings be upon his family.

Mr. DAVIS of Illinois. Mr. Speaker, could I inquire as to how much time I have left.

The SPEAKER pro tempore. The gentleman from Illinois has 21 minutes remaining and the gentleman from Virginia has 18 minutes remaining.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Oftentimes when we talk about civil rights and the era of civil rights, and

we talk of the individuals who were pushing perhaps the most, sometimes the name of Gerald Ford does not get included in that discussion, and he is not included in that discussion because he didn't always loom as high as some others might have. He was not necessarily one of these individuals that you would just simply know about. Oftentimes he did what he did somewhat quietly but, nevertheless, did it and it had the impact that it was designed to have.

Such were his positions relative to civil rights issues, even prior to ever seeking or getting involved in public office. I was told a story of how, as he captained the football team, that there were some controversies relative to an African American member of the team who was not going to get an opportunity to play. Of course, President Ford, as football team captain at that time, a sort of president-in-waiting, learning what leadership really meant and what leadership was all about, just sort of took the position that if this gentleman was not going to be able to play, then neither would he. And of course the team was concerned, because if you have a star and the star is not playing, then of course it decreases your chance of winning.

Think of what America would be if all of us stood up all of the time for stars, or for the individuals who had the potential to be stars, to make sure that they got their rightful chance, their rightful opportunity, got their acceptance because of what they could contribute and because of what they brought to the table. I guess that really was the understanding that Gerald Ford had even at that moment, and all of America continues to be grateful to him.

Mr. Speaker, at this time it would be my pleasure and my honor to yield to the gentlewoman from California, the Speaker of the House, such time as she might consume.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding, and applaud him, Mr. DAVIS of Illinois, and the gentleman from Virginia (Mr. DAVIS), for bringing this resolution to the floor to honor a great man, and I rise today to join them in paying tribute to the life and leadership of President Gerald Ford.

I would like to also recognize Mrs. Betty Ford and the wonderful children, Michael, Jack, Steven, and Susan, who with their love and support helped to make President Ford's leadership possible; but they made a contribution in their own right.

Betty Ford really changed the way people in America talked about their health and the challenges in their lives. Every family in America respects her, every family in America is in her debt for, again, changing how people speak about their physical and other challenges. Mrs. Ford, we all give you our condolences and our respect and admiration for your leadership as well.

Having also served as House minority leader, as President Ford did, I have

great respect for the fair and reliable leadership that President Ford displayed throughout his service in the House. He was effective and respected on both sides of the aisle. He recognized that however much we may disagree on political questions, we serve the people of the Nation, the great institution, the House of Representatives.

He later became President, and another President, Thomas Jefferson, said: "Every difference of opinion is not a difference of principle." Gerald Ford knew that. Gerald Ford followed that. He assumed office during one of the greatest times of challenge for our Nation and provided the American people with the steady leadership and optimism that was his signature.

The outpouring of emotion and affection displayed by the American people last week and the week before reminds us that they desire the kind of leadership President Ford embodied. In this hour, we need and pray for President Ford's character, courage, and civility to affect us. He healed the country when it needed healing. This is another time, another war, and another trial of our American will, imagination, and spirit. I ask our colleagues, let us honor his memory not just in eulogy but in dialogue and trust across the aisle.

Once again, our condolences to the family. I hope it is a comfort to the Ford family that so many people mourn their loss and are praying for them at this time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I have no further speakers at this time.

Mr. DAVIS of Illinois. Mr. Speaker, in order to give additional Members an opportunity to speak on this resolution, and knowing that the morning has just begun and we are into early afternoon, I withdraw this resolution, with the objective of bringing it up at a later time so that additional Members would have an opportunity to speak.

The SPEAKER pro tempore. The resolution is withdrawn.

#### IMPLEMENTING THE 9/11 COMMISSION RECOMMENDATIONS ACT OF 2007

Mr. THOMPSON of Mississippi. Madam Speaker, pursuant to House Resolution 6, and as the designee of the majority leader, I call up the bill (H.R. 1) to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Implementing the 9/11 Commission Recommendations Act of 2007".

#### SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

#### TITLE I—RISK-BASED ALLOCATION OF HOMELAND SECURITY GRANTS

Sec. 101. First responders homeland security funding.

#### TITLE II—ENSURING COMMUNICATIONS INTEROPERABILITY FOR FIRST RESPONDERS

Sec. 201. Improve Communications for Emergency Response Grant Program.

#### TITLE III—STRENGTHENING USE OF A UNIFIED INCIDENT COMMAND DURING EMERGENCIES

Sec. 301. National exercise program design.

Sec. 302. National exercise program model exercises.

Sec. 303. Responsibilities of Regional Administrators of the Federal Emergency Management Agency.

#### TITLE IV—STRENGTHENING AVIATION SECURITY

Sec. 401. Installation of in-line baggage screening equipment.

Sec. 402. Aviation security capital fund.

Sec. 403. Airport checkpoint screening explosive detection.

Sec. 404. Strengthening explosive detection at airport screening checkpoints.

Sec. 405. Extension of authorization of aviation security funding.

Sec. 406. Inspection of cargo carried aboard passenger aircraft.

Sec. 407. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight.

Sec. 408. Transportation Security Administration personnel management.

Sec. 409. Strategic plan to test and implement advanced passenger prescreening system.

#### TITLE V—STRENGTHENING THE SECURITY OF CARGO CONTAINERS

Sec. 501. Requirements relating to entry of containers into the United States.

#### TITLE VI—STRENGTHENING EFFORTS TO PREVENT TERRORIST TRAVEL

##### Subtitle A—Human Smuggling and Trafficking Center Improvements

Sec. 601. Strengthening the capabilities of the Human Smuggling and Trafficking Center.

##### Subtitle B—International Collaboration to Prevent Terrorist Travel

Sec. 611. Report on international collaboration to increase border security, enhance global document security, and exchange terrorist information.

##### Subtitle C—Biometric Border Entry and Exit System

Sec. 621. Submittal of plan on biometric entry and exit verification system implementation.

#### TITLE VII—IMPROVING INTELLIGENCE AND INFORMATION SHARING WITH LOCAL LAW ENFORCEMENT AND FIRST RESPONDERS

Subtitle A—Fusion and Law Enforcement Education and Teaming (FLEET) Grant Program

Sec. 701. Findings.

Sec. 702. FLEET Grant program.

##### Subtitle B—Border Intelligence Fusion Center Program

Sec. 711. Findings.

Sec. 712. Establishment of Border Intelligence Fusion Center Program.

##### Subtitle C—Homeland Security Information Sharing Enhancement

Sec. 721. Short title.

Sec. 722. Homeland Security Advisory System.

Sec. 723. Homeland security information sharing.

##### Subtitle D—Homeland Security Information Sharing Partnerships

Sec. 731. Short title.

Sec. 732. State, Local, and Regional Information Fusion Center Initiative.

Sec. 733. Homeland Security Information Sharing Fellows Program.

##### Subtitle E—Homeland Security Intelligence Offices Reorganization

Sec. 741. Departmental reorganization.

Sec. 742. Intelligence components of Department of Homeland Security.

#### TITLE VIII—PROTECTING PRIVACY AND CIVIL LIBERTIES WHILE EFFECTIVELY FIGHTING TERRORISM

##### Subtitle A—Privacy and Civil Liberties Oversight Boards

Sec. 801. Short title.

Sec. 802. Findings.

Sec. 803. Making the Privacy and Civil Liberties Oversight Board independent.

Sec. 804. Requiring all members of the Privacy and Civil Liberties Oversight Board be confirmed by the Senate.

Sec. 805. Subpoena power for the Privacy and Civil Liberties Oversight Board.

Sec. 806. Reporting requirements.

##### Subtitle B—Enhancement of Privacy Officer Authorities

Sec. 811. Short title.

Sec. 812. Authorities of the privacy officer of the Department of Homeland Security.

#### TITLE IX—IMPROVING CRITICAL INFRASTRUCTURE SECURITY

Sec. 901. Vulnerability assessment and report on critical infrastructure information.

Sec. 902. National Asset Database and the National At-Risk Database.

#### TITLE X—TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

Sec. 1001. Strategic transportation security information sharing.

Sec. 1002. Transportation security strategic planning.

#### TITLE XI—PRIVATE SECTOR PREPAREDNESS

Sec. 1101. Participation of private sector organizations in emergency preparedness and response activities.

#### TITLE XII—PREVENTING WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM

Sec. 1201. Findings.

Sec. 1202. Definitions.

Subtitle A—Repeal and Modification of Limitations on Assistance for Prevention of WMD Proliferation and Terrorism

Sec. 1211. Repeal and modification of limitations on assistance for prevention of weapons of mass destruction proliferation and terrorism.

Subtitle B—Proliferation Security Initiative

Sec. 1221. Proliferation Security Initiative improvements and authorities.



Sec. 1222. Authority to provide assistance to cooperative countries.

Subtitle C—Assistance to Accelerate Programs to Prevent Weapons of Mass Destruction Proliferation and Terrorism

Sec. 1231. Findings; statement of policy.

Sec. 1232. Authorization of appropriations for the Department of Defense Cooperative Threat Reduction Program.

Sec. 1233. Authorization of appropriations for the Department of Energy programs to prevent weapons of mass destruction proliferation and terrorism.

Subtitle D—Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism

Sec. 1241. Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism.

Sec. 1242. Request for corresponding Russian coordinator.

Subtitle E—Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism

Sec. 1251. Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism.

Sec. 1252. Purposes.

Sec. 1253. Composition.

Sec. 1254. Responsibilities.

Sec. 1255. Powers.

Sec. 1256. Nonapplicability of Federal Advisory Committee Act.

Sec. 1257. Report.

Sec. 1258. Termination.

#### TITLE XIII—NUCLEAR BLACK MARKET COUNTER-TERRORISM ACT

Sec. 1301. Short title.

Sec. 1302. Definitions.

Subtitle A—Sanctions for Transfers of Nuclear Enrichment, Reprocessing, and Weapons Technology, Equipment, and Materials Involving Foreign Persons and Terrorists

Sec. 1311. Authority to impose sanctions on foreign persons.

Sec. 1312. Presidential notification on activities of foreign persons.

Subtitle B—Further Actions Against Corporations Associated With Sanctioned Foreign Persons

Sec. 1321. Findings.

Sec. 1322. Campaign by United States Government officials.

Sec. 1323. Coordination.

Sec. 1324. Report.

#### Subtitle C—Rollback of Nuclear Proliferation Networks

Sec. 1331. Nonproliferation as a condition of United States assistance.

Sec. 1332. Report on identification of nuclear proliferation network host countries.

Sec. 1333. Suspension of arms sales licenses and deliveries to nuclear proliferation host countries.

#### TITLE XIV—9/11 COMMISSION INTERNATIONAL IMPLEMENTATION

Sec. 1401. Short title; table of contents.

Subtitle A—Quality Educational Opportunities in Arab and Predominantly Muslim Countries.

Sec. 1411. Findings; Policy.

Sec. 1412. International Arab and Muslim Youth Opportunity Fund.

Sec. 1413. Annual report to Congress.

Sec. 1414. Extension of program to provide grants to American-sponsored schools in Arab and predominantly Muslim Countries to provide scholarships.

Subtitle B—Democracy and Development in Arab and Predominantly Muslim Countries

Sec. 1421. Promoting democracy and development in the Middle East, Central Asia, South Asia, and Southeast Asia.

Sec. 1422. Middle East Foundation.

Subtitle C—Restoring United States Moral Leadership

Sec. 1431. Advancing United States interests through public diplomacy.

Sec. 1432. Expansion of United States scholarship, exchange, and library programs in Arab and predominantly Muslim countries.

Sec. 1433. United States policy toward detainees.

Subtitle D—Strategy for the United States Relationship With Afghanistan, Pakistan, and Saudi Arabia

Sec. 1441. Afghanistan.

Sec. 1442. Pakistan.

Sec. 1443. Saudi Arabia.

#### TITLE I—RISK-BASED ALLOCATION OF HOMELAND SECURITY GRANTS

SEC. 101. FIRST RESPONDERS HOMELAND SECURITY FUNDING.

(a) IN GENERAL.—The Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 361 et seq.) is amended—

(1) in section 1(b) in the table of contents by striking the items relating to the second title XVIII, as added by section 501(b)(3) of Public Law 109-347, and inserting the following:

#### “TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

“Sec. 1901. Domestic Nuclear Detection Office.

“Sec. 1902. Mission of Office.

“Sec. 1904. Testing authority.

“Sec. 1905. Relationship to other Department entities and Federal agencies.

“Sec. 1906. Contracting and grant making authorities.”;

(2) by redesignating the second title XVIII, as added by section 501(a) of Public Law 109-347, as title XIX;

(3) in title XIX (as so redesignated)—

(A) by redesignating sections 1801 through 1806 as sections 1901 through 1906, respectively;

(B) in section 1904(a) (6 U.S.C. 594(a)), as so redesignated, by striking “section 1802” and inserting “section 1902”; and

(C) in section 1906 (6 U.S.C. 596), as so redesignated, by striking “section 1802(a)” each place it appears and inserting “section 1902(a)”;

(4) in section 1(b) in the table of contents by adding at the end the following:

#### “TITLE XX—FUNDING FOR FIRST RESPONDERS

“Sec. 2001. Definitions.

“Sec. 2002. Faster and Smarter Funding for First Responders.

“Sec. 2003. Covered grant eligibility and criteria.

“Sec. 2004. Risk-based evaluation and prioritization.

“Sec. 2005. Use of funds and accountability requirements.”;

and

(5) by adding at the end the following:

#### “TITLE XX—FUNDING FOR FIRST RESPONDERS

“SEC. 2001. DEFINITIONS.

“In this title:

“(1) COVERED GRANT.—The term ‘covered grant’ means any grant to which this title applies under section 2002.

“(2) DIRECTLY ELIGIBLE TRIBE.—The term ‘directly eligible tribe’ means any Indian tribe or consortium of Indian tribes that—

“(A) meets the criteria for inclusion in the qualified applicant pool for Self-Governance that are set forth in section 402(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bb(c));

“(B) employs at least 10 full-time personnel in a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services; and

“(C)(i) is located on, or within 5 miles of, an international border or waterway;

“(ii) is located within 5 miles of a facility designated as high-risk critical infrastructure by the Secretary;

“(iii) is located within or contiguous to one of the 50 largest metropolitan statistical areas in the United States; or

“(iv) has more than 1,000 square miles of Indian country, as that term is defined in section 1151 of title 18, United States Code.

“(3) ELEVATIONS IN THE THREAT ALERT LEVEL.—The term ‘elevations in the threat alert level’ means any designation (including those that are less than national in scope) that raises the homeland security threat level to either the highest or second highest threat level under the Homeland Security Advisory System referred to in section 201(d)(7).

“(4) FIRST RESPONDER.—The term ‘first responder’ shall have the same meaning as the term ‘emergency response provider’.

“(5) INDIAN TRIBE.—The term ‘Indian tribe’ means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“(6) REGION.—The term ‘region’ means—

“(A) any geographic area consisting of all or parts of 2 or more contiguous States that have a combined population of at least 1,650,000 or have an area of not less than 20,000 square miles, and that, for purposes of an application for a covered grant, is represented by 1 or more governments or governmental agencies within such geographic area, and that is established by law or by agreement of 2 or more such governments or governmental agencies in a mutual aid agreement; or

“(B) any other combination of contiguous local government units (including such a combination established by law or agreement of two or more governments or governmental agencies in a mutual aid agreement) that is formally certified by the Secretary as a region for purposes of this Act with the consent of—

“(i) the State or States in which they are located, including a multi-State entity established by a compact between two or more States; and

“(ii) the incorporated municipalities, counties, and parishes that they encompass.

“(7) TERRORISM PREPAREDNESS.—The term ‘terrorism preparedness’ means any activity designed to improve the ability to prevent, prepare for, respond to, mitigate against, or recover from threatened or actual terrorist attacks.

“(8) CAPABILITIES.—The term ‘capabilities’ shall have the same meaning that term has under title VIII.

“SEC. 2002. FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS.

“(a) COVERED GRANTS.—This title applies to grants provided by the Department to States, urban areas, regions, or directly eligible tribes for the primary purpose of improving the ability of first responders to prevent, prepare for, respond to, mitigate

against, or recover from threatened or actual terrorist attacks, especially those involving weapons of mass destruction, administered under the following:

“(1) STATE HOMELAND SECURITY GRANT PROGRAM.—The State Homeland Security Grant Program of the Department, or any successor to such grant program.

“(2) URBAN AREA SECURITY INITIATIVE.—The Urban Area Security Initiative of the Department, or any successor to such grant program.

“(3) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—The Law Enforcement Terrorism Prevention Program of the Department, or any successor to such grant program.

“(b) EXCLUDED PROGRAMS.—This title does not apply to or otherwise affect the following Federal grant programs or any grant under such a program:

“(1) NONDEPARTMENT PROGRAMS.—Any Federal grant program that is not administered by the Department.

“(2) FIRE GRANT PROGRAMS.—The fire grant programs authorized by sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229, 2229a).

“(3) EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE ACCOUNT GRANTS.—The Emergency Management Performance Grant program and the Urban Search and Rescue Grants program authorized by title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.); the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (113 Stat. 1047 et seq.); and the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.).

#### “SEC. 2003. COVERED GRANT ELIGIBILITY AND CRITERIA.

“(a) GRANT ELIGIBILITY.—

“(1) STATE, REGION, OR DIRECTLY ELIGIBLE TRIBE.—Any State, region, or directly eligible tribe shall be eligible to apply for a covered grant under the programs referred to in paragraphs (1) and (3) of section 1802(a).

“(2) HIGH-THREAT URBAN AREAS.—Any urban area that is determined by the Secretary to be a high-threat urban areas shall be eligible to apply for a covered grant referred to in paragraph (2) of section 1802(a).

“(b) GRANT CRITERIA.—The Secretary shall award covered grants to assist States and local governments in achieving, maintaining, and enhancing the capabilities for terrorism preparedness established by the Secretary.

“(c) SUBMISSION OF STATE PREPAREDNESS REPORT.—

“(1) SUBMISSION REQUIRED.—The Secretary shall require that any State applying to the Secretary for a covered grant must submit State Preparedness Report specified in section 652(c) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295).

“(2) CONSULTATION.—The State report submitted under paragraph (1) shall be developed in consultation with and subject to appropriate comment by local governments and first responders within the State.

“(d) CONSISTENCY WITH STATE PLANS.—

“(1) IN GENERAL.—The Secretary shall ensure that each covered grant is used to supplement and support, in a consistent and coordinated manner, the applicable State homeland security report or plan.

“(2) APPROVAL OF PLAN BY SECRETARY.—The Secretary may not award any covered grant to a State unless the Secretary has approved the applicable State homeland security plan.

“(3) REVISIONS.—A State may revise the applicable State homeland security plan approved by the Secretary under this sub-

section, subject to approval of the revision by the Secretary.

“(e) APPLICATION FOR GRANT.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, any State, urban area, region, or directly eligible tribe may apply for a covered grant by submitting to the Secretary an application at such time, in such manner, and containing such information as is required under this subsection, or as the Secretary may reasonably require.

“(2) DEADLINES FOR APPLICATIONS AND AWARDS.—All applications for covered grants must be submitted at such time as the Secretary may reasonably require for the fiscal year for which they are submitted. The Secretary shall award covered grants pursuant to all approved applications for such fiscal year as soon as practicable, but not later than March 1 of such year.

“(3) AVAILABILITY OF FUNDS.—All funds awarded by the Secretary under covered grants in a fiscal year shall be available for obligation through the end of the subsequent fiscal year.

“(4) MINIMUM CONTENTS OF APPLICATION.—The Secretary shall require that each applicant include in its application, at a minimum—

“(A) the purpose for which the applicant seeks covered grant funds and the reasons why the applicant needs the covered grant to meet the capabilities for terrorism preparedness within the State, urban area, region, or directly eligible tribe to which the application pertains;

“(B) a description of how, by reference to the applicable State homeland security plan or plans under subsection (c), the allocation of grant funding proposed in the application, including, where applicable, the amount not passed through under section 2005(g)(1), would assist in fulfilling the capabilities for terrorism preparedness specified in such plan or plans;

“(C) a statement of whether a mutual aid agreement applies to the use of all or any portion of the covered grant funds;

“(D) if the applicant is a State, a description of how the State plans to allocate the covered grant funds to local governments and Indian tribes;

“(E) if the applicant is a region—

“(i) a precise geographical description of the region and a specification of all participating and nonparticipating local governments within the geographical area comprising that region;

“(ii) a specification of what governmental entity within the region will administer the expenditure of funds under the covered grant; and

“(iii) a designation of a specific individual to serve as regional liaison;

“(F) a capital budget showing how the applicant intends to allocate and expend the covered grant funds;

“(G) if the applicant is a directly eligible tribe, a designation of a specific individual to serve as the tribal liaison; and

“(H) a statement of how the applicant intends to meet the matching requirement, if any, that applies under section 2005(g)(2).

“(5) REGIONAL APPLICATIONS.—

“(A) RELATIONSHIP TO STATE APPLICATIONS.—A regional application—

“(i) shall be coordinated with an application submitted by the State or States of which such region is a part;

“(ii) shall supplement and avoid duplication with such State application; and

“(iii) shall address the unique regional aspects of such region's terrorism preparedness needs beyond those provided for in the application of such State or States.

“(B) STATE REVIEW AND SUBMISSION.—To ensure the consistency required under subsection (d) and the coordination required

under subparagraph (A) of this paragraph, an applicant that is a region must submit its application to each State of which any part is included in the region for review and concurrence prior to the submission of such application to the Secretary. The regional application shall be transmitted to the Secretary through each such State within 30 days of its receipt, unless the Governor of such a State notifies the Secretary, in writing, that such regional application is inconsistent with the State's homeland security plan and provides an explanation of the reasons therefor.

“(C) DISTRIBUTION OF REGIONAL AWARDS.—If the Secretary approves a regional application, then the Secretary shall distribute a regional award to the State or States submitting the applicable regional application under subparagraph (B), and each such State shall, not later than the end of the 45-day period beginning on the date after receiving a regional award, pass through to the region all covered grant funds or resources purchased with such funds, except those funds necessary for the State to carry out its responsibilities with respect to such regional application: Provided, That in no such case shall the State or States pass through to the region less than 80 percent of the regional award.

“(D) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO REGIONS.—Any State that receives a regional award under subparagraph (C) shall certify to the Secretary, by not later than 30 days after the expiration of the period described in subparagraph (C) with respect to the grant, that the State has made available to the region the required funds and resources in accordance with subparagraph (C).

“(E) DIRECT PAYMENTS TO REGIONS.—If any State fails to pass through a regional award to a region as required by subparagraph (C) within 45 days after receiving such award and does not request or receive an extension of such period under section 2006(h)(2), the region may petition the Secretary to receive directly the portion of the regional award that is required to be passed through to such region under subparagraph (C).

“(F) REGIONAL LIAISONS.—A regional liaison designated under paragraph (4)(E)(iii) shall—

“(i) coordinate with Federal, State, local, regional, and private officials within the region concerning terrorism preparedness;

“(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials within the region to assist in the development of the regional application and to improve the region's access to covered grants; and

“(iii) administer, in consultation with State, local, regional, and private officials within the region, covered grants awarded to the region.

“(6) TRIBAL APPLICATIONS.—

“(A) SUBMISSION TO THE STATE OR STATES.—To ensure the consistency required under subsection (d), an applicant that is a directly eligible tribe must submit its application to each State within the boundaries of which any part of such tribe is located for direct submission to the Department along with the application of such State or States.

“(B) OPPORTUNITY FOR STATE COMMENT.—Before awarding any covered grant to a directly eligible tribe, the Secretary shall provide an opportunity to each State within the boundaries of which any part of such tribe is located to comment to the Secretary on the consistency of the tribe's application with the State's homeland security plan. Any such comments shall be submitted to the Secretary concurrently with the submission of the State and tribal applications.

“(C) FINAL AUTHORITY.—The Secretary shall have final authority to determine the consistency of any application of a directly eligible tribe with the applicable State homeland security plan or plans, and to approve any application of such tribe. The Secretary shall notify each State within the boundaries of which any part of such tribe is located of the approval of an application by such tribe.

“(D) TRIBAL LIAISON.—A tribal liaison designated under paragraph (4)(G) shall—

“(i) coordinate with Federal, State, local, regional, and private officials concerning terrorism preparedness;

“(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials to assist in the development of the application of such tribe and to improve the tribe's access to covered grants; and

“(iii) administer, in consultation with State, local, regional, and private officials, covered grants awarded to such tribe.

“(E) LIMITATION ON THE NUMBER OF DIRECT GRANTS.—The Secretary may make covered grants directly to not more than 20 directly eligible tribes per fiscal year.

“(F) TRIBES NOT RECEIVING DIRECT GRANTS.—An Indian tribe that does not receive a grant directly under this section is eligible to receive funds under a covered grant from the State or States within the boundaries of which any part of such tribe is located, consistent with the homeland security plan of the State as described in subsection (c). If a State fails to comply with section 2006(g)(1), the tribe may request payment under section 2006(h)(3) in the same manner as a local government.

“(7) EQUIPMENT STANDARDS.—If an applicant for a covered grant proposes to upgrade or purchase, with assistance provided under the grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards established by the Secretary, the applicant shall include in the application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

#### “SEC. 2004. RISK-BASED EVALUATION AND PRIORITIZATION.

“(a) PRIORITIZATION OF GRANT APPLICATIONS.—

“(1) FACTORS TO BE CONSIDERED.—The Secretary shall evaluate and annually prioritize all pending applications for covered grants based upon the degree to which they would, by achieving, maintaining, or enhancing the capabilities of the applicants on a nationwide basis, lessen the threat to, vulnerability of, and consequences for persons (including transient commuting and tourist populations) and critical infrastructure. Such evaluation and prioritization shall be based upon the most current risk assessment available by the Office of Intelligence Analysis and the Office of Infrastructure Protection of the threats of terrorism against the United States. In establishing criteria for evaluating and prioritizing applications for covered grants, the Secretary shall coordinate with the National Advisory Council established under section 508, the Director of the Federal Emergency Management Agency, the United States Fire Administrator, the Chief Intelligence Officer of the Department, the Assistant Secretary for Infrastructure Protection, and other Department officials as determined by the Secretary.

“(2) CRITICAL INFRASTRUCTURE SECTORS.—The Secretary specifically shall consider threats of terrorism against the following critical infrastructure sectors in all areas of the United States, urban and rural:

“(A) Agriculture and food.

“(B) Banking and finance.

“(C) Chemical industries.

“(D) The defense industrial base.

“(E) Emergency services.

“(F) Energy.

“(G) Government facilities.

“(H) Postal and shipping.

“(I) Public health and health care.

“(J) Information technology.

“(K) Telecommunications.

“(L) Transportation systems.

“(M) Water.

“(N) Dams.

“(O) Commercial facilities.

“(P) National monuments and icons.

The order in which the critical infrastructure sectors are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such sectors.

“(3) TYPES OF THREAT.—The Secretary specifically shall consider the following types of threat to the critical infrastructure sectors described in paragraph (2), and to populations in all areas of the United States, urban and rural:

“(A) Biological threats.

“(B) Nuclear threats.

“(C) Radiological threats.

“(D) Incendiary threats.

“(E) Chemical threats.

“(F) Explosives.

“(G) Suicide bombers.

“(H) Cyber threats.

“(I) Any other threats based on proximity to specific past acts of terrorism or the known activity of any terrorist group.

The order in which the types of threat are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such threats.

“(4) CONSIDERATION OF ADDITIONAL FACTORS.—The Secretary shall take into account any other specific threat to a population (including a transient commuting or tourist population) or critical infrastructure sector that the Board has determined to exist. In evaluating the threat to a population or critical infrastructure sector, the Secretary shall give greater weight to threats of terrorism based upon their specificity and credibility, including any pattern of repetition.

“(5) MINIMUM AMOUNTS.—After evaluating and prioritizing grant applications under paragraph (1), the Department shall ensure that, for each fiscal year—

“(A) each of the States, other than the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, that has an approved State homeland security plan receives no less than 0.25 percent of the funds available for covered grants for that fiscal year for purposes of implementing its homeland security plan;

“(B) each of the States, other than the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, that has an approved State homeland security plan and that meets one or both of the additional high-risk qualifying criteria under paragraph (6) receives no less than 0.45 percent of the funds available for covered grants for that fiscal year for purposes of implementing its homeland security plan;

“(C) the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each receives no less than 0.08 percent of the funds available for covered grants for that fiscal year for purposes of implementing its approved State plan; and

“(D) directly eligible tribes collectively receive no less than 0.08 percent of the funds available for covered grants for such fiscal year for purposes of addressing the needs identified in the applications of such tribes, consistent with the homeland security plan of each State within the boundaries of which

any part of any such tribe is located, except that this clause shall not apply with respect to funds available for a fiscal year if the Secretary receives less than 5 applications for such fiscal year from such tribes or does not approve at least one such application.

“(6) ADDITIONAL HIGH-RISK QUALIFYING CRITERIA.—For purposes of paragraph (5)(B), additional high-risk qualifying criteria consist of—

“(A) having a significant international land border; or

“(B) adjoining a body of water within North America through which an international boundary line extends.

“(b) EFFECT OF REGIONAL AWARDS ON STATE MINIMUM.—Any regional award, or portion thereof, provided to a State under section 2003(e)(5)(C) shall not be considered in calculating the minimum State award under subsection (a)(5) of this section.

“(c) RELATIONSHIP TO OTHER PROGRAMS.—This section shall be carried out in consultation with the Secretary of Health and Human Services. Nothing in this section affects the scope of authority of the Secretary of Health and Human Services, including such authority under the Public Health Service Act.

#### “SEC. 2005. USE OF FUNDS AND ACCOUNTABILITY REQUIREMENTS.

“(a) IN GENERAL.—A covered grant may be used for—

“(1) purchasing or upgrading equipment, including computer hardware and software, to enhance terrorism preparedness;

“(2) exercises to strengthen terrorism preparedness;

“(3) training for prevention (including detection) of, preparedness for, response to, or recovery from attacks involving weapons of mass destruction, including training in the use of equipment and computer software;

“(4) developing or updating State homeland security plans, risk assessments, mutual aid agreements, and emergency management plans to enhance terrorism preparedness;

“(5) establishing or enhancing mechanisms for sharing terrorism threat information;

“(6) systems architecture and engineering, program planning and management, strategy formulation and strategic planning, lifecycle systems design, product and technology evaluation, and prototype development for terrorism preparedness purposes;

“(7) additional personnel costs resulting from—

“(A) elevations in the threat alert level of the Homeland Security Advisory System by the Secretary, or a similar elevation in threat alert level issued by a State, region, or local government with the approval of the Secretary;

“(B) travel to and participation in exercises and training in the use of equipment and on prevention activities;

“(C) the temporary replacement of personnel during any period of travel to and participation in exercises and training in the use of equipment and on prevention activities; and

“(D) the hiring of staff to serve as intelligence analysts to strengthen information and intelligence sharing capabilities;

“(8) the costs of equipment (including software) required to receive, transmit, handle, and store classified information;

“(9) protecting critical infrastructure against potential attack by the addition of barriers, fences, gates, and other such devices that are constructed consistent with the requirements of section 6(j)(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(9)), except that the cost of such measures may not exceed the greater of—

“(A) \$1,000,000 per project; or

“(B) such greater amount as may be approved by the Secretary, which may not exceed 10 percent of the total amount of the covered grant;

“(10) the costs of commercially available interoperable communications equipment (that, where applicable, is based on national, voluntary consensus standards) that the Secretary, in consultation with the Assistant Secretary for Emergency Communications, deems best suited to facilitate interoperability, coordination, and integration between and among emergency communications systems, and that complies with prevailing grant guidance of the Department for interoperable communications;

“(11) educational curricula development for first responders to ensure that they are prepared for terrorist attacks;

“(12) training and exercises to assist public elementary and secondary schools in developing and implementing programs to instruct students regarding age-appropriate skills to prevent, prepare for, respond to, mitigate against, or recover from an act of terrorism;

“(13) paying of administrative expenses directly related to administration of the grant, except that such expenses may not exceed 3 percent of the amount of the grant;

“(14) Public safety answering points;

“(15) paying for the conduct of any activity permitted under the Law Enforcement Terrorism Prevention Program, or any such successor to such program; and

“(16) other appropriate activities as determined by the Secretary.

“(b) PROHIBITED USES.—Funds provided as a covered grant may not be used—

“(1) to supplant State or local funds;

“(2) to construct buildings or other physical facilities;

“(3) to acquire land; or

“(4) for any State or local government cost-sharing contribution.

“(c) INTELLIGENCE ANALYSTS.—An individual hired to serve as an intelligence analyst under subsection (a)(7)(D) must meet at least one of the following criteria:

“(1) The individual has successfully completed training that meets the standards of the International Association of Law Enforcement Intelligence Analysts to ensure baseline proficiency in intelligence analysis and production.

“(2) The individual has previously served in a Federal intelligence agency as an intelligence analyst for at least two years.

“(d) MULTIPLE-PURPOSE FUNDS.—Nothing in this section shall be construed to preclude State and local governments from using covered grant funds in a manner that also enhances first responder preparedness for emergencies and disasters unrelated to acts of terrorism, if such use assists such governments in achieving capabilities for terrorism preparedness established by the Secretary.

“(e) REIMBURSEMENT OF COSTS.—

“(1) PAID-ON-CALL OR VOLUNTEER REIMBURSEMENT.—In addition to the activities described in subsection (a), a covered grant may be used to provide a reasonable stipend to paid-on-call or volunteer first responders who are not otherwise compensated for travel to or participation in training covered by this section. Any such reimbursement shall not be considered compensation for purposes of rendering such a first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

“(2) PERFORMANCE OF FEDERAL DUTY.—An applicant for a covered grant may petition the Secretary for the reimbursement of the cost of any activity relating to prevention (including detection) of, preparedness for, response to, or recovery from acts of terrorism that is a Federal duty and usually performed by a Federal agency, and that is being per-

formed by a State or local government (or both) under agreement with a Federal agency.

“(f) ASSISTANCE REQUIREMENT.—The Secretary may not require that equipment paid for, wholly or in part, with funds provided as a covered grant be made available for responding to emergencies in surrounding States, regions, and localities, unless the Secretary undertakes to pay the costs directly attributable to transporting and operating such equipment during such response.

“(g) FLEXIBILITY IN UNSPENT HOMELAND SECURITY GRANT FUNDS.—Upon request by the recipient of a covered grant, the Secretary may authorize the grantee to transfer all or part of funds provided as the covered grant from uses specified in the grant agreement to other uses authorized under this section, if the Secretary determines that such transfer is in the interests of homeland security.

“(h) STATE, REGIONAL, AND TRIBAL RESPONSIBILITIES.—

“(1) PASS-THROUGH.—The Secretary shall require a recipient of a covered grant that is a State to obligate or otherwise make available to local governments, first responders, and other local groups, to the extent required under the State homeland security plan or plans specified in the application for the grant, not less than 80 percent of the grant funds, resources purchased with the grant funds having a value equal to at least 80 percent of the amount of the grant, or a combination thereof, by not later than the end of the 45-day period beginning on the date the grant recipient receives the grant funds.

“(2) COST SHARING.—

“(A) IN GENERAL.—The Federal share of the costs of an activity carried out with a covered grant to a State, region, or directly eligible tribe awarded after the 2-year period beginning on the date of the enactment of this section shall not exceed 75 percent.

“(B) INTERIM RULE.—The Federal share of the costs of an activity carried out with a covered grant awarded before the end of the 2-year period beginning on the date of the enactment of this section shall be 100 percent.

“(C) IN-KIND MATCHING.—Each recipient of a covered grant may meet the matching requirement under subparagraph (A) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made, including, but not limited to, any necessary personnel overtime, contractor services, administrative costs, equipment fuel and maintenance, and rental space.

“(3) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—Any State that receives a covered grant shall certify to the Secretary, by not later than 30 days after the expiration of the period described in paragraph (1) with respect to the grant, that the State has made available for expenditure by local governments, first responders, and other local groups the required amount of grant funds pursuant to paragraph (1).

“(4) QUARTERLY REPORT ON HOMELAND SECURITY SPENDING.—The Federal share described in paragraph (2)(A) may be increased by up to 2 percent for any State, region, or directly eligible tribe that, not later than 30 days after the end of each fiscal quarter, submits to the Secretary a report on that fiscal quarter. Each such report must include, for each recipient of a covered grant or a pass-through under paragraph (1)—

“(A) the amount obligated to that recipient in that quarter;

“(B) the amount expended by that recipient in that quarter; and

“(C) a summary description of the items purchased by such recipient with such amount.

“(5) ANNUAL REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a covered grant shall submit an annual report to the Secretary not later than 60 days after the end of each Federal fiscal year. Each recipient of a covered grant that is a region must simultaneously submit its report to each State of which any part is included in the region. Each recipient of a covered grant that is a directly eligible tribe must simultaneously submit its report to each State within the boundaries of which any part of such tribe is located. Each report must include the following:

“(A) The amount, ultimate recipients, and dates of receipt of all funds received under the grant during the previous fiscal year.

“(B) The amount and the dates of disbursements of all such funds expended in compliance with paragraph (1) or pursuant to mutual aid agreements or other sharing arrangements that apply within the State, region, or directly eligible tribe, as applicable, during the previous fiscal year.

“(C) How the funds were utilized by each ultimate recipient or beneficiary during the preceding fiscal year.

“(D) The extent to which capabilities identified in the applicable State homeland security plan or plans were achieved, maintained, or enhanced as the result of the expenditure of grant funds during the preceding fiscal year.

“(E) The extent to which capabilities identified in the applicable State homeland security plan or plans remain unmet.

“(6) INCLUSION OF RESTRICTED ANNEXES.—A recipient of a covered grant may submit to the Secretary an annex to the annual report under paragraph (5) that is subject to appropriate handling restrictions, if the recipient believes that discussion in the report of unmet needs would reveal sensitive but unclassified information.

“(i) INCENTIVES TO EFFICIENT ADMINISTRATION OF HOMELAND SECURITY GRANTS.—

“(1) PENALTIES FOR DELAY IN PASSING THROUGH LOCAL SHARE.—If a recipient of a covered grant that is a State fails to pass through to local governments, first responders, and other local groups funds or resources required by subsection (g)(1) within 45 days after receiving funds under the grant, the Secretary may—

“(A) reduce grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1);

“(B) terminate payment of funds under the grant to the recipient, and transfer the appropriate portion of those funds directly to local first responders that were intended to receive funding under that grant; or

“(C) impose additional restrictions or burdens on the recipient's use of funds under the grant, which may include—

“(i) prohibiting use of such funds to pay the grant recipient's grant-related overtime or other expenses;

“(ii) requiring the grant recipient to distribute to local government beneficiaries all or a portion of grant funds that are not required to be passed through under subsection (g)(1); or

“(iii) for each day that the grant recipient fails to pass through funds or resources in accordance with subsection (g)(1), reducing grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1), except that the total amount of such reduction may not exceed 20 percent of the total amount of the grant.

“(2) EXTENSION OF PERIOD.—The Governor of a State may request in writing that the

Secretary extend the 45-day period under section 2003(e)(5)(E) or paragraph (1) for an additional 15-day period. The Secretary may approve such a request, and may extend such period for additional 15-day periods, if the Secretary determines that the resulting delay in providing grant funding to the local government entities that will receive funding under the grant will not have a significant detrimental impact on such entities' terrorism preparedness efforts.

“(3) PROVISION OF NON-LOCAL SHARE TO LOCAL GOVERNMENT.—

“(A) IN GENERAL.—The Secretary may upon request by a local government pay to the local government a portion of the amount of a covered grant awarded to a State in which the local government is located, if—

“(i) the local government will use the amount paid to expedite planned enhancements to its terrorism preparedness as described in any applicable State homeland security plan or plans;

“(ii) the State has failed to pass through funds or resources in accordance with subsection (g)(1); and

“(iii) the local government complies with subparagraphs (B) and (C).

“(B) SHOWING REQUIRED.—To receive a payment under this paragraph, a local government must demonstrate that—

“(i) it is identified explicitly as an ultimate recipient or intended beneficiary in the approved grant application;

“(ii) it was intended by the grantee to receive a severable portion of the overall grant for a specific purpose that is identified in the grant application;

“(iii) it petitioned the grantee for the funds or resources after expiration of the period within which the funds or resources were required to be passed through under subsection (g)(1); and

“(iv) it did not receive the portion of the overall grant that was earmarked or designated for its use or benefit.

“(C) EFFECT OF PAYMENT.—Payment of grant funds to a local government under this paragraph—

“(i) shall not affect any payment to another local government under this paragraph; and

“(ii) shall not prejudice consideration of a request for payment under this paragraph that is submitted by another local government.

“(D) DEADLINE FOR ACTION BY SECRETARY.—The Secretary shall approve or disapprove each request for payment under this paragraph by not later than 15 days after the date the request is received by the Department.

“(j) REPORTS TO CONGRESS.—The Secretary shall submit an annual report to Congress by January 31 of each year covering the preceding fiscal year—

“(1) describing in detail the amount of Federal funds provided as covered grants that were directed to each State, region, and directly eligible tribe in the preceding fiscal year;

“(2) containing information on the use of such grant funds by grantees; and

“(3) describing—

“(A) the Nation's progress in achieving, maintaining, and enhancing the capabilities established by the Secretary as a result of the expenditure of covered grant funds during the preceding fiscal year; and

“(B) an estimate of the amount of expenditures required to attain across the United States the essential capabilities established by the Secretary.”.

## TITLE II—ENSURING COMMUNICATIONS INTEROPERABILITY FOR FIRST RESPONDERS

### SEC. 201. IMPROVE COMMUNICATIONS FOR EMERGENCY RESPONSE GRANT PROGRAM.

(a) ESTABLISHMENT.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following new section:

#### “SEC. 522. IMPROVE COMMUNICATIONS FOR EMERGENCY RESPONSE GRANT PROGRAM.

“(a) ESTABLISHMENT.—The Secretary, acting through the Director of the Office of Grants and Training and in coordination with the Director for Emergency Communications, shall establish the Improve Communications for Emergency Response Grant Program to make grants to States and regions to carry out initiatives to improve interoperable emergency communications, including initiatives to achieve solutions to statewide, regional, national, and, where appropriate, international interoperability.

“(b) USE OF GRANT FUNDS.—A State or region receiving a grant under this section may use the grant for short-term or long-term goals for improving interoperable emergency communications, including interoperability within that State or region, and to assist with—

“(1) statewide or regional communications planning;

“(2) design and engineering for interoperable emergency communications systems;

“(3) procurement and installation of interoperable emergency communications equipment;

“(4) interoperable emergency communications exercises;

“(5) modeling and simulation exercises for operational command and control functions;

“(6) technical assistance and training for interoperable emergency communications; and

“(7) other activities determined by the Secretary to be integral to interoperable emergency communications.

“(c) REGION DEFINED.—For the purposes of this section, the term ‘region’ means any combination of contiguous local government units, including such a combination established by law or mutual aid agreement between two or more local governments or governmental agencies.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Homeland Security for grants under section 522 of the Homeland Security Act of 2002, as added by subsection (a)—

(1) such sums as may be necessary for the first fiscal year that begins after the later of—

(A) the date on which the Secretary of Homeland Security completes and submits to Congress the National Emergency Communications Plan required under section 1802 of the Homeland Security Act of 2002 (6 U.S.C. 572);

(B) the date on which the Secretary of Homeland Security completes and submits to Congress the first baseline interoperability assessment required under section 1803 of such Act (6 U.S.C. 573); or

(C) the date on which the Secretary of Homeland Security, after consultation with the Director of Emergency Communications, determines and notifies Congress that substantial progress has been made towards the development and promulgation of voluntary consensus-based interoperable communications standards pursuant to section 1801(c)(11) of such Act (6 U.S.C. 571(c)(11)); and

(2) such sums as may be necessary for each subsequent fiscal year.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of that Act is amend-

ed by inserting after the item relating to section 521 the following:

“Sec. 522. Improve Communications for Emergency Response Grant Program.”.

## TITLE III—STRENGTHENING USE OF A UNIFIED INCIDENT COMMAND DURING EMERGENCIES

### SEC. 301. NATIONAL EXERCISE PROGRAM DESIGN.

Section 648(b)(2)(A) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295) is amended by striking clauses (iv) and (v) and inserting the following:

“(iv) designed to provide for systematic evaluation of readiness and enhance operational understanding of the Incident Command System and relevant mutual aid agreements;

“(v) designed to address the unique requirements of populations with special needs; and

“(vi) designed to include the prompt development of after-action reports and plans for quickly incorporating lessons learned into future operations; and”.

### SEC. 302. NATIONAL EXERCISE PROGRAM MODEL EXERCISES.

Section 648(b)(2)(B) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295) is amended by striking so much as precedes clause (i) and inserting the following:

“(B) shall include a selection of model exercises that State, local, and tribal governments can readily adapt for use, and shall provide assistance to State, local, and tribal governments with the design, implementation, and evaluation of exercises, whether a model exercise program or an exercise designed locally, that—”.

### SEC. 303. RESPONSIBILITIES OF REGIONAL ADMINISTRATORS OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

Section 507(c)(2) of the Homeland Security Act of 2002 (enacted by section 611 of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295)) is amended by striking “and” after the semicolon at the end of subparagraph (H), by redesignating subparagraph (I) as subparagraph (J), and by inserting after subparagraph (H) the following:

“(I) assisting State, local, or tribal governments, where appropriate, to pre-identify and evaluate suitable sites where a multi-jurisdictional unified command system can be quickly established if the need for such a system arises; and”.

## TITLE IV—STRENGTHENING AVIATION SECURITY

### SEC. 401. INSTALLATION OF IN-LINE BAGGAGE SCREENING EQUIPMENT.

Not later than 30 days after the date of enactment of this Act, the Secretary for Homeland Security shall submit to the appropriate congressional committees the cost sharing study described in section 4019(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3722), together with the Secretary's analysis of the study, a list of provisions of the study the Secretary intends to implement, and a plan and schedule for implementation of such listed provisions.

### SEC. 402. AVIATION SECURITY CAPITAL FUND.

(a) IN GENERAL.—Section 44923(h)(1) of title 49, United States Code, is amended in the second sentence by striking “2007” and inserting “2011”.

(b) DISCRETIONARY GRANTS.—Section 44923(h)(3) of such title is amended by striking “for a fiscal year, \$125,000,000” and inserting “, \$125,000,000 for each of fiscal years

2004, 2005, and 2006 and such sums as may be necessary for each of fiscal years 2007 through 2011”.

**SEC. 403. AIRPORT CHECKPOINT SCREENING EXPLOSIVE DETECTION.**

Section 44940 of title 49, United States Code, is amended—

(1) in subsection (d)(4) by inserting “, other than subsection (i),” before “except to”; and

(2) by adding at the end the following:

“(i) CHECKPOINT SCREENING SECURITY FUND.—

“(1) ESTABLISHMENT.—There is established in the Department of Homeland Security a fund to be known as the ‘Checkpoint Screening Security Fund’.

“(2) DEPOSITS.—In fiscal year 2008, after amounts are made available under section 44923(h), the next \$250,000,000 derived from fees received under subsection (a)(1) shall be available to be deposited in the Fund.

“(3) FEES.—The Secretary of Homeland Security shall impose the fee authorized by subsection (a)(1) so as to collect at least \$250,000,000 in fiscal year 2008 for deposit into the Fund.

“(4) AVAILABILITY OF AMOUNTS.—Amounts in the Fund shall be available until expended for the research, development, purchase, deployment, and installation of equipment to improve the ability of security screening personnel at screening checkpoints to detect explosives.”.

**SEC. 404. STRENGTHENING EXPLOSIVE DETECTION AT AIRPORT SCREENING CHECKPOINTS.**

Not later than 7 days after the date of enactment of this Act, the Assistant Secretary for Homeland Security (Transportation Security Administration) shall submit to the appropriate congressional committees the strategic plan described in the section amended by section 4013(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3719).

**SEC. 405. EXTENSION OF AUTHORIZATION OF AVIATION SECURITY FUNDING.**

Section 48301(a) of title 49, United States Code, is amended by striking “and 2006” and inserting “2006, 2007, 2008, 2009, 2010, and 2011”.

**SEC. 406. INSPECTION OF CARGO CARRIED ABOARD PASSENGER AIRCRAFT.**

(a) IN GENERAL.—Section 44901 of title 49, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following:

“(g) AIR CARGO ON PASSENGER AIRCRAFT.—

“(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Implementing the 9/11 Commission Recommendations Act of 2007, the Secretary of Homeland Security shall establish a system to inspect 100 percent of cargo transported on passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation to ensure the security of all such passenger aircraft carrying cargo.

“(2) MINIMUM STANDARDS.—The system referred to in paragraph (1) shall require, at a minimum, that equipment, technology, procedures, and personnel are used to inspect cargo carried on passenger aircraft to provide a level of security equivalent to the level of security for the inspection of passenger checked baggage as follows:

“(A) 35 percent of such cargo is so inspected by the end of fiscal year 2007.

“(B) 65 percent of such cargo is so inspected by the end of fiscal year 2008.

“(C) 100 percent of such cargo is so inspected by the end of fiscal year 2009.

“(3) REGULATIONS.—

“(A) INTERIM FINAL RULE.—The Secretary of Homeland Security may issue an interim

final rule as a temporary regulation to implement this subsection without regard to the provisions of chapter 5 of title 5.

“(B) FINAL RULE.—

“(1) IN GENERAL.—If the Secretary issues an interim final rule under subparagraph (A), the Secretary shall issue, not later than one year after the effective date of the interim final rule, a final rule as a permanent regulation to implement this subsection in accordance with the provisions of chapter 5 of title 5.

“(ii) FAILURE TO ACT.—If the Secretary does not issue a final rule in accordance with clause (i) on or before the last day of the 1-year period referred to in clause (i), the interim final rule issued under subparagraph (A) shall not be effective after the last day of such period.

“(iii) SUPERCEDING OF INTERIM FINAL RULE.—The final rule issued in accordance with this subparagraph shall supersede the interim final rule issued under subparagraph (A).

“(4) REPORT.—Not later than 1 year after the date of establishment of the system under paragraph (1), the Secretary shall transmit to Congress a report that describes the system.”.

(b) ASSESSMENT OF EXEMPTIONS.—

(1) TSA ASSESSMENT OF EXEMPTIONS.—

(A) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate committees of Congress and to the Comptroller General a report regarding an assessment of each exemption granted for inspection of air cargo and an analysis to assess the risk of maintaining such exemption.

(B) CONTENTS.—The report referred to in subparagraph (A) shall include—

(i) the rationale for each exemption;

(ii) what percentage of cargo is not screened as a result of each exemption;

(iii) the impact of each exemption on aviation security;

(iv) the projected impact on the flow of commerce of eliminating each exemption, respectively, should the Secretary choose to take such action; and

(v) plans and rationale for maintaining, changing, or eliminating each exemption.

(2) GAO ASSESSMENT.—Not later than 120 days after the date on which the report under paragraph (1) is submitted, the Comptroller General shall review the report and provide to Congress an assessment of the methodology of determinations made by the Secretary for maintaining, changing, or eliminating an exemption.

**SEC. 407. APPEAL AND REDRESS PROCESS FOR PASSENGERS WRONGLY DELAYED OR PROHIBITED FROM BOARDING A FLIGHT.**

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et. seq.) is amended by adding at the end the following:

**“SEC. 432. APPEAL AND REDRESS PROCESS FOR PASSENGERS WRONGLY DELAYED OR PROHIBITED FROM BOARDING A FLIGHT.**

“(a) IN GENERAL.—The Secretary shall establish a timely and fair process for individuals who believe they have been delayed or prohibited from boarding a commercial aircraft because they were wrongly identified as a threat under the regimes utilized by the Transportation Security Administration, the Bureau of Customs and Border Protection, or any other Department entity.

“(b) OFFICE OF APPEALS AND REDRESS.—

“(1) ESTABLISHMENT.—The Secretary shall establish an Office of Appeals and Redress to oversee the process established by the Secretary pursuant to subsection (a).

“(2) RECORDS.—The process established by the Secretary pursuant to subsection (a)

shall include the establishment of a method by which the Office of Appeals and Redress, under the direction of the Secretary, will be able to maintain a record of air carrier passengers and other individuals who have been misidentified and have corrected erroneous information.

“(3) INFORMATION.—To prevent repeated delays of a misidentified passenger or other individual, the Office of Appeals and Redress shall—

“(A) ensure that the records maintained under this subsection contain information determined by the Secretary to authenticate the identity of such a passenger or individual; and

“(B) furnish to the Transportation Security Administration, the Bureau of Customs and Border Protection, or any other appropriate Department entity, upon request, such information as may be necessary to allow such agencies to assist air carriers in improving their administration of the advanced passenger prescreening system and reduce the number of false positives.

“(4) INITIATION OF APPEAL AND REDRESS PROCESS AT AIRPORTS.—The Office of Appeals and Redress shall establish at each airport at which the Department has a significant presence a process to allow air carrier passengers to begin the appeals process established pursuant to subsection (a) at the airport.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 430 the following:

“Sec. 432. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight.”.

**SEC. 408. TRANSPORTATION SECURITY ADMINISTRATION PERSONNEL MANAGEMENT.**

(a) ELIMINATION OF CERTAIN PERSONNEL MANAGEMENT AUTHORITIES.—Effective 90 days after the date of the enactment of this Act—

(1) section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) is repealed and any authority of the Secretary of Homeland Security derived from such section 111(d) shall terminate;

(2) any personnel management system, to the extent established or modified pursuant to such section 111(d) (including by the Secretary through the exercise of any authority derived from such section 111(d)) shall terminate; and

(3) the Secretary shall ensure that all TSA employees are subject to the same personnel management system as described in subsection (e)(1) or (e)(2).

(b) ESTABLISHMENT OF CERTAIN UNIFORMITY REQUIREMENTS.—

(1) SYSTEM UNDER SUBSECTION (e)(1).—The Secretary shall, with respect to any personnel management system described in subsection (e)(1), take any measures which may be necessary to provide for the uniform treatment of all TSA employees under such system.

(2) SYSTEM UNDER SUBSECTION (e)(1).—Section 9701(b) of title 5, United States Code, is amended—

(A) by striking “and” at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(6) provide for the uniform treatment of all TSA employees (as defined in section 408(d) of the Implementing the 9/11 Commission Recommendations Act of 2007).”.

(3) EFFECTIVE DATE.—

(A) PROVISIONS RELATING TO A SYSTEM UNDER SUBSECTION (e)(1).—Any measures necessary to carry out paragraph (1) shall take



effect 90 days after the date of the enactment of this Act.

(B) PROVISIONS RELATING TO A SYSTEM UNDER SUBSECTION (e)(2).—Any measures necessary to carry out the amendments made by paragraph (2) shall take effect 90 days after the date of the enactment of this Act or, if later, the commencement date of the system involved.

(C) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than 6 months after the date of the enactment of this Act, the Government Accountability Office shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on—

(A) the pay system that applies with respect to TSA employees as of the date of the enactment of this Act; and

(B) any changes to such system which would be made under any regulations which have been prescribed under chapter 97 of title 5, United States Code.

(2) MATTERS FOR INCLUSION.—The report required under paragraph (1) shall include—

(A) a brief description of each pay system described in paragraphs (1)(A) and (1)(B), respectively;

(B) a comparison of the relative advantages and disadvantages of each of those pay systems; and

(C) such other matters as the Government Accountability Office considers appropriate.

(d) TSA EMPLOYEE DEFINED.—In this section, the term “TSA employee” means an individual who holds—

(1) any position which was transferred (or the incumbent of which was transferred) from the Transportation Security Administration of the Department of Transportation to the Department of Homeland Security by section 403 of the Homeland Security Act of 2002 (6 U.S.C. 203); or

(2) any other position within the Department of Homeland Security the duties and responsibilities of which include carrying out one or more of the functions that were transferred from the Transportation Security Administration of the Department of Transportation to the Secretary by such section.

(e) PERSONNEL MANAGEMENT SYSTEM DESCRIBED.—A personnel management system described in this subsection is—

(1) any personnel management system, to the extent that it applies with respect to any TSA employees by virtue of section 114(n) of title 49, United States Code; and

(2) any human resources management system, established under chapter 97 of title 5, United States Code.

#### SEC. 409. STRATEGIC PLAN TO TEST AND IMPLEMENT ADVANCED PASSENGER PRESCREENING SYSTEM.

Not later than 90 days after the date of the enactment of the Act, the Secretary of Homeland Security shall submit to Congress a plan that—

(1) describes the system to be utilized for the Department of Homeland Security to assume the performance of comparing passenger information, as defined by the Assistant Secretary of Homeland Security (Transportation Security Administration), to the automatic selectee and no fly lists, utilizing appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government;

(2) provides a projected timeline for each phase of testing and implementation of the system;

(3) explains how the system will be integrated with the prescreening system for passenger on international flights; and

(4) describes how the system complies with section 552a of title 5, United States Code.

### TITLE V—STRENGTHENING THE SECURITY OF CARGO CONTAINERS

#### SEC. 501. REQUIREMENTS RELATING TO ENTRY OF CONTAINERS INTO THE UNITED STATES.

(a) REQUIREMENTS.—Section 70116 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(c) REQUIREMENTS RELATING TO ENTRY OF CONTAINERS.—

“(1) IN GENERAL.—A container may enter the United States, either directly or via a foreign port, only if—

“(A) the container is scanned with equipment that meets the standards established pursuant to paragraph (2)(A) and a copy of the scan is provided to the Secretary; and

“(B) the container is secured with a seal that meets the standards established pursuant to paragraph (2)(B), before the container is loaded on the vessel for shipment to the United States.

“(2) STANDARDS FOR SCANNING EQUIPMENT AND SEALS.—

“(A) SCANNING EQUIPMENT.—The Secretary shall establish standards for scanning equipment required to be used under paragraph (1)(A) to ensure that such equipment uses the best-available technology, including technology to scan a container for radiation and density and, if appropriate, for atomic elements.

“(B) SEALS.—The Secretary shall establish standards for seals required to be used under paragraph (1)(B) to ensure that such seals use the best-available technology, including technology to detect any breach into a container and identify the time of such breach.

“(C) REVIEW AND REVISION.—The Secretary shall—

“(i) review and, if necessary, revise the standards established pursuant to subparagraphs (A) and (B) not less than once every two years; and

“(ii) ensure that any such revised standards require the use of technology, as soon as such technology becomes available, to—

“(I) identify the place of a breach into a container;

“(II) notify the Secretary of such breach before the container enters the Exclusive Economic Zone of the United States; and

“(III) track the time and location of the container during transit to the United States, including by truck, rail, or vessel.

“(D) DEFINITION.—In subparagraph (C), the term ‘Exclusive Economic Zone of the United States’ has the meaning given the term ‘Exclusive Economic Zone’ in section 2101(10a) of this title.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, such sums as may be necessary for each of the fiscal years 2008 through 2013.

(c) REGULATIONS; APPLICATION.—

(1) REGULATIONS.—

(A) INTERIM FINAL RULE.—Consistent with the results of and lessons derived from the pilot system implemented under section 231 of the SAFE Port Act (Public Law 109-347), the Secretary of Homeland Security shall issue an interim final rule as a temporary regulation to implement section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, not later than 180 days after the date of the submission of the report under section 231 of the SAFE Port Act, without regard to the provisions of chapter 5 of title 5, United States Code.

(B) FINAL RULE.—The Secretary shall issue a final rule as a permanent regulation to implement section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, not later than one year after the date of the submission of the report under section 231 of the SAFE Port Act, in

accordance with the provisions of chapter 5 of title 5, United States Code. The final rule issued pursuant to that rulemaking may supersede the interim final rule issued pursuant to subparagraph (A).

(2) PHASED-IN APPLICATION.—

(A) IN GENERAL.—The requirements of section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, apply with respect to any container entering the United States, either directly or via a foreign port, beginning on—

(i) the end of the 3-year period beginning on the date of the enactment of this Act, in the case of a container loaded on a vessel destined for the United States in a country in which more than 75,000 twenty-foot equivalent units of containers were loaded on vessels for shipping to the United States in 2005; and

(ii) the end of the 5-year period beginning on the date of the enactment of this Act, in the case of a container loaded on a vessel destined for the United States in any other country.

(B) EXTENSION.—The Secretary may extend by up to one year the period under clause (i) or (ii) of subparagraph (A) for containers loaded in a port, if the Secretary—

(i) finds that the scanning equipment required under section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, is not available for purchase and installation in the port; and

(ii) at least 60 days prior to issuing such extension, transmits such finding to the appropriate congressional committees.

(d) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary, in consultation with the Secretary of State, is encouraged to promote and establish international standards for the security of containers moving through the international supply chain with foreign governments and international organizations, including the International Maritime Organization and the World Customs Organization.

(e) INTERNATIONAL TRADE AND OTHER OBLIGATIONS.—In carrying out section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, the Secretary shall consult with appropriate Federal departments and agencies and private sector stakeholders to ensure that actions under such section do not violate international trade obligations or other international obligations of the United States.

### TITLE VI—STRENGTHENING EFFORTS TO PREVENT TERRORIST TRAVEL

#### Subtitle A—Human Smuggling and Trafficking Center Improvements

#### SEC. 601. STRENGTHENING THE CAPABILITIES OF THE HUMAN SMUGGLING AND TRAFFICKING CENTER.

(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement, shall provide to the Human Smuggling and Trafficking Center (in this section referred to as the “Center”) the administrative support and funding required for its maintenance, including funding for personnel, leasing of office space, supplies, equipment, technology, training, and travel expenses necessary for the Center to carry out its mission.

(b) STAFFING OF THE CENTER.—

(1) IN GENERAL.—Funding provided under subsection (a) shall be used for the hiring of for not fewer than 30 full-time equivalent staff for the Center, to include the following:

(A) One Director.

(B) One Deputy Director for Smuggling.

(C) One Deputy Director for Trafficking.

(D) One Deputy Director for Terrorist Travel.

(E) Not fewer than 15 intelligence analysts or Special Agents, to include the following:

(i) Not fewer than ten such analysts or Agents shall be intelligence analysts or law enforcement agents who shall be detailed from entities within the Department of Homeland Security with human smuggling and trafficking related responsibilities, as determined by the Secretary.

(ii) Not fewer than one full time professional staff detailee from each of the United States Coast Guard, United States Immigration and Customs Enforcement, United States Customs and Border Protection, Transportation Security Administration, and the Office of Intelligence and Analysis.

(2) **REQUIREMENTS.**—Intelligence analysts or Special Agents detailed to the Center under paragraph (1)(E) shall have at least three years experience related to human smuggling or human trafficking.

(3) **DURATION OF ASSIGNMENT.**—An intelligence analyst or Special Agent detailed to the Center under paragraph (1)(E) shall be detailed for a period of not less than two years.

(c) **FUNDING REIMBURSEMENT.**—In operating the Center, the Secretary of Homeland Security shall act in accordance with all applicable requirements of the Economy Act (31 U.S.C. 1535), and shall seek reimbursement from the Attorney General and the Secretary of State, in such amount or proportion as is appropriate, for costs associated with the participation of the Department of Justice and the Department of State in the operation of the Center.

(d) **DEVELOPMENT OF PLAN.**—The Secretary of Homeland Security shall develop a plan for the Center that—

(1) defines the roles and responsibilities of each Department participating in the Center;

(2) describes how the Department of Homeland Security shall utilize its resources to ensure that the Center uses intelligence to focus and drive its efforts;

(3) describes the mechanism for the sharing of information from United States Immigration and Customs Enforcement and United States Customs and Border Protection field offices to the Center;

(4) describes the mechanism for the sharing of homeland security information from the Center to the Office of Intelligence and Analysis, including how such sharing shall be consistent with section 1016(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458);

(5) establishes reciprocal security clearance status to other participating agencies in the Center in order to ensure full access to necessary databases;

(6) establishes or consolidates networked systems for the Center; and

(7) ensures that the assignment of personnel to the Center from agencies of the Department of Homeland Security is incorporated into the civil service career path of such personnel.

(e) **MEMORANDUM OF UNDERSTANDING.**—The Secretary of Homeland Security shall execute with the Attorney General a Memorandum of Understanding in order to clarify cooperation and coordination between United States Immigration and Customs Enforcement and the Federal Bureau of Investigation regarding issues related to human smuggling, human trafficking, and terrorist travel.

(f) **COORDINATION WITH THE OFFICE OF INTELLIGENCE AND ANALYSIS.**—The Office of Intelligence and Analysis, in coordination with the Center, shall submit to Federal, State, local, and tribal law enforcement and other relevant agencies periodic reports regarding terrorist threats related to human smuggling, human trafficking, and terrorist travel.

#### **Subtitle B—International Collaboration to Prevent Terrorist Travel**

#### **SEC. 611. REPORT ON INTERNATIONAL COLLABORATION TO INCREASE BORDER SECURITY, ENHANCE GLOBAL DOCUMENT SECURITY, AND EXCHANGE TERRORIST INFORMATION.**

(a) **REPORT REQUIRED.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Homeland Security, in conjunction with the Director of National Intelligence and the heads of other appropriate Federal departments and agencies, shall submit to the appropriate congressional committees a report on efforts of the Government of the United States to collaborate with international partners and allies of the United States to increase border security, enhance global document security, and exchange terrorist information.

(b) **CONTENTS.**—The report required by subsection (a) shall outline—

(1) all presidential directives, programs, and strategies for carrying out and increasing United States Government efforts described in subsection (a);

(2) the goals and objectives of each of these efforts;

(3) the progress made in each of these efforts; and

(4) the projected timelines for each of these efforts to become fully functional and effective.

(c) **DEFINITION.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs, the Committee on Homeland Security, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate.

#### **Subtitle C—Biometric Border Entry and Exit System**

#### **SEC. 621. SUBMITTAL OF PLAN ON BIOMETRIC ENTRY AND EXIT VERIFICATION SYSTEM IMPLEMENTATION.**

Not later than 7 days after the date of the enactment of this Act, the Secretary for Homeland Security shall submit to the Committee on Homeland Security and the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate the plan developed by the Secretary under section 7208(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b(c)(2)) to accelerate the full implementation of an automated biometric entry and exit data system.

#### **TITLE VII—IMPROVING INTELLIGENCE AND INFORMATION SHARING WITH LOCAL LAW ENFORCEMENT AND FIRST RESPONDERS**

#### **Subtitle A—Fusion and Law Enforcement Education and Teaming (FLEET) Grant Program**

#### **SEC. 701. FINDINGS.**

Congress finds the following:

(1) The intelligence component of a State, local, or regional fusion center (in this title referred to generally as “fusion centers”) focuses on the intelligence process, in which information is collected, integrated, evaluated, analyzed, and disseminated. The Federal Government and nontraditional sources of intelligence information—such as public safety entities at the State, local, and tribal levels, and private sector organizations—all possess valuable information that when “fused” with law enforcement data and properly analyzed at fusion centers can provide

law enforcement officers with specific and actionable intelligence about terrorist and related criminal activity.

(2) Participation by local and tribal law enforcement officers and intelligence analysts in fusion centers helps secure the homeland by involving such officers and analysts in the intelligence process on a daily basis, by helping them build professional relationships across every level and discipline of government and the private sector, and by ensuring that intelligence and other information, including threat assessment, public safety, law enforcement, public health, social service, and public works, is shared throughout and among relevant communities. Such local and tribal participation in fusion centers supports the efforts of all law enforcement agencies and departments to anticipate, identify, monitor, and prevent terrorist and related criminal activity.

(3) Some local and tribal law enforcement agencies and departments, however, lack resources to participate fully in fusion centers.

(4) Needs-based grant funding will maximize the participation of local and tribal law enforcement agencies and departments in fusion centers by reducing the costs associated with detailing officers and intelligence analysts to fusion centers. Consequently, such grant funding will not only promote the development of more effective, resourceful, and situationally aware fusion centers, but will also advance the cause of homeland security.

#### **SEC. 702. FLEET GRANT PROGRAM.**

(a) **IN GENERAL.**—Subtitle A of title II of the Homeland Security Act of 2002 is further amended by adding at the end the following new section:

#### **“SEC. 203. FLEET GRANT PROGRAM.**

“(a) **IMPLEMENTATION PLAN AND ESTABLISHMENT.**—

“(1) **IMPLEMENTATION PLAN.**—Not later than 90 days after the date of the enactment of the Implementing the 9/11 Commission Recommendations Act of 2007, the Secretary shall develop a Fusion and Law Enforcement Education and Teaming Grant Program (in this section referred to as the ‘FLEET Grant program’) implementation plan and submit to the appropriate congressional committees a copy of such plan. In developing such plan, the Secretary shall consult with the Attorney General, the Bureau of Justice Assistance, and the Office of Community Oriented Policing of the Department of Justice and shall encourage the participation of fusion centers and local and tribal law enforcement agencies and departments in the development of such plan. Such plan shall include—

“(A) a clear articulation of the purposes, goals, and specific objectives for which the program is being developed;

“(B) an identification of program stakeholders and an assessment of their interests in and expectations for the program;

“(C) a developed set of quantitative metrics to measure, to the extent possible, program output; and

“(D) a developed set of qualitative instruments (e.g., surveys and expert interviews) to assess the extent to which stakeholders believe their needs and expectations are being met by the program.

“(2) **ESTABLISHMENT.**—Not later than 180 days after the enactment of the Implementing the 9/11 Commission Recommendations Act of 2007, the Secretary shall implement and carry out a FLEET Grant program under which the Secretary, in consultation with the Attorney General, shall make grants to local and tribal law enforcement agencies and departments specified by the Secretary, in consultation with the Attorney General, for the purposes described in subsection (b). Subject to subsection (g), each such grant shall be made for a two-year period.

“(b) USE OF GRANT AMOUNTS.—

“(1) IN GENERAL.—A grant made to a local or tribal law enforcement agency or department under subsection (a) shall be used to enable such agency or department to detail eligible law enforcement personnel to participate in a fusion center that serves the geographic area in which such agency or department is located, and may be used for the following purposes:

“(A) To hire new personnel, or to pay existing personnel, to perform the duties of eligible law enforcement personnel who are detailed to a fusion center during the absence of such detailed personnel.

“(B) To provide appropriate training, as determined and required by the Secretary, in consultation with the Attorney General, for eligible law enforcement personnel who are detailed to a fusion center.

“(C) To establish communications connectivity between eligible law enforcement personnel who are detailed to a fusion center and the home agency or department of such personnel in accordance with all applicable laws and regulations.

“(2) MANDATORY PRIVACY AND CIVIL LIBERTIES TRAINING.—All eligible law enforcement personnel detailed to a fusion center under the FLEET Grant Program shall undergo appropriate privacy and civil liberties training that is developed, supported, or sponsored by the Privacy Officer and the Officer for Civil Rights and Civil Liberties in partnership with the Privacy and Civil Liberties Oversight Board.

“(3) LIMITATION.—A local or tribal law enforcement agency or department participating in the FLEET Grant program shall continue to provide a salary and benefits to any eligible law enforcement personnel detailed to a fusion center, in the same amounts and under the same conditions that such agency or department provides a salary and benefits to such personnel when not detailed to a fusion center. None of the funds provided by the FLEET grant program may be used to carry out this paragraph.

“(4) ELIGIBLE LAW ENFORCEMENT PERSONNEL DEFINED.—For purposes of this section, the term ‘eligible law enforcement personnel’ means any local or tribal law enforcement officer or intelligence analyst who meets each eligibility requirement specified by the Secretary. Such eligibility requirements shall include a requirement that the officer or analyst has at least two years of experience as a law enforcement officer or intelligence analyst with the local or tribal law enforcement agency or department selected to participate in the FLEET Grant program.

“(c) APPLICATIONS.—

“(1) IN GENERAL.—No grant may be made under subsection (a) unless an application for such grant has been submitted to, and approved by, the Secretary, in consultation with the Attorney General. Such an application shall be submitted in such form, manner, and time, and shall contain such information, as the Secretary, in consultation with the Attorney General, may prescribe by regulation or guidelines.

“(2) JOINT APPLICATIONS.—A local or tribal law enforcement agency or department may file a joint grant application to detail eligible law enforcement personnel to a fusion center. Such application shall be—

“(A) for a single detailed officer or intelligence analyst, who shall be detailed to work at a fusion center on a full-time basis; or

“(B) in the case of participating local and tribal law enforcement agencies or departments for which a detail arrangement described in subparagraph (A) is likely to result in hardship due to a staffing shortage (as determined by the Secretary, in consultation with the Attorney General), for several

eligible law enforcement personnel from multiple local or tribal law enforcement agencies or departments in the same geographic area, who shall be detailed to a fusion center, each on a part-time basis, as part of a shared detail arrangement, as long as—

“(i) any hours worked by a detailed officer or analyst at a fusion center in a shared detail arrangement shall be counted toward the hourly shift obligations of such officer or analyst at his or her local or tribal law enforcement agency or department; and

“(ii) no detailed officer or analyst working at a fusion center in a shared detail arrangement shall be required to regularly work more hours than the officer or analyst would otherwise work if the officer or analyst was not participating in the shared detail arrangement.

“(d) DISTRIBUTION OF GRANTS.—In considering applications for grants under subsection (a), the Secretary, in consultation with the Attorney General, shall ensure that, to the extent practicable—

“(1) entities that receive such grants are representative of a broad cross-section of local and tribal law enforcement agencies and departments; and

“(2) an appropriate geographic distribution of grants is made among urban, suburban, and rural communities; and

“(3) such grants are awarded based on consideration of any assessments of risk by the Department of Homeland Security.

“(e) PRIORITY.—The Secretary, in consultation with the Attorney General, shall issue regulations regarding the use of a sliding scale based on financial need to ensure that a local or tribal law enforcement agency or department that is eligible to receive a grant under subsection (a) and that demonstrates to the satisfaction of the Secretary, in consultation with the Attorney General, that it is in financial need (as determined by the Secretary, in consultation with the Attorney General) receives priority in receiving funds under this section.

“(f) MATCHING FUNDS.—

“(1) IN GENERAL.—Subject to paragraph (2), the portion of the costs of a program, project, or activity funded by a grant made to an entity under subsection (a) may not exceed 80 percent.

“(2) EXCEPTION.—The Secretary, in consultation with the Attorney General, may waive, wholly or in part, the requirement under paragraph (1) of a non-Federal contribution to the costs of a program, project, or activity if the entity receiving the grant for such program, project, or activity can demonstrate to the satisfaction of the Secretary, in consultation with the Attorney General, that it would be a hardship for such entity to satisfy such requirement.

“(g) RENEWAL OF GRANTS.—A grant made to a local or tribal law enforcement agency or department under subsection (a) may be renewed on an annual basis for an additional year after the first two-year period during which the entity receives its initial grant, if—

“(1) the entity can demonstrate to the satisfaction of the Secretary, in consultation with the Attorney General, significant progress in achieving the objectives of the application for the initial grant involved; and

“(2) such renewal would not prevent another local or tribal law enforcement agency or department that has applied for a grant under subsection (a), has not previously received such a grant, and that would otherwise qualify for such a grant, from receiving such a grant, as determined by the Secretary, in consultation with the Attorney General.

“(h) REVOCATION OR SUSPENSION OF FUNDING.—If the Secretary, in consultation with

the Attorney General, determines that a grant recipient under this section is not in substantial compliance with the terms and requirements of an approved grant application submitted under subsection (c), the Secretary, in consultation with the Attorney General, may revoke or suspend funding of that grant, in whole or in part. In the case of a revocation or suspension of funds under this subsection based on a determination of fraud, waste, or abuse, with respect to a grant recipient, such grant recipient shall be required to refund the grant funds received under subsection (a) that are related to such fraud, waste, or abuse, respectively.

“(i) REPORTS.—

“(1) REPORTS TO SECRETARY.—Each local or tribal law enforcement agency or department that receives a grant under subsection (a) shall submit to the Secretary and the Attorney General a report for each year such agency or department is a recipient of such grant. Each such report shall include a description and evaluation of each program, project, or activity funded by such grant.

“(2) REPORT TO CONGRESS.—One year after the date of the implementation of the FLEET grant program, and biannually thereafter, the Secretary, in consultation with the Attorney General, shall submit to the appropriate congressional committees a report describing the implementation and progress of the FLEET Grant Program. Each such report shall include the following:

“(A) A list of the local and tribal law enforcement agencies and departments receiving grants.

“(B) Information on the grant amounts awarded to each such agency or department.

“(C) Information on the programs, projects, and activities for which the grant funds are used.

“(D) An evaluation of the effectiveness of the FLEET Grant program with respect to the cause of advancing homeland security, including—

“(i) concrete examples of enhanced information sharing and a description of any preventative law enforcement actions taken based on such information sharing;

“(ii) an evaluation of the effectiveness of the detail arrangements with FLEET Grant program grant recipients;

“(iii) an evaluation of how the FLEET Grant program benefits the fusion centers;

“(iv) a description of how individual law enforcement officers and intelligence analysts detailed to the fusion centers benefit from the detail experience; and

“(v) an evaluation of how the detail of the law enforcement officers and intelligence analysts assists the fusion centers in learning more about criminal or terrorist organizations operating within their areas of operation, including a description of any homeland security information requirements that were developed, or any homeland security information gaps that were filled, as a result of the detail arrangement.

“(E) An analysis of any areas of need, with respect to the advancement of homeland security, that could be addressed through additional funding or other legislative action.

“(j) CUSTOMER SATISFACTION SURVEYS.—The Secretary, in consultation with the Attorney General, shall create a mechanism for State, local, and tribal law enforcement officers and intelligence analysts who participate in the FLEET Grant program to fill out an electronic customer satisfaction survey, on an appropriate periodic basis, to assess the effectiveness of the FLEET Grant program with respect to improving information sharing. The results of these voluntary surveys shall be provided electronically to appropriate personnel at the Office of Grants and Training of the Department and at the Bureau of Justice Assistance and the Office

of Community Oriented Policing of the Department of Justice. The results of these customer satisfaction surveys shall also be included in an appropriate format in the reports described in subsection (i).

“(k) CONTINUATION ASSESSMENT.—Five years after the date of the implementation of the FLEET Grant program, the Secretary, in consultation with the Attorney General, shall submit to the appropriate congressional committees a FLEET Grant program continuation assessment. Such continuation assessment shall—

“(1) recommend whether Congress should continue to authorize and fund the FLEET Grant program (as authorized under this section or with proposed changes), and provide the reasoning for such recommendation; and

“(2) if the Secretary recommends the continuation of the FLEET Grant program—

“(A) recommend any changes to the program which the Secretary, in consultation with the Attorney General, has identified as necessary to improve the program, and the reasons for any such changes;

“(B) list and describe legislative priorities for Congress relating to the continuation of the program; and

“(C) provide recommendations for the amounts of funding that should be appropriated for the continuation of the program in future fiscal years, including justifications for such amounts.

“(l) GENERAL REGULATORY AUTHORITY.—The Secretary, in consultation with the Attorney General, may promulgate regulations and guidelines to carry out this section.

“(m) DEFINITIONS.—For the purposes of this section:

“(1) The term ‘local law enforcement agency or department’ means a local municipal police department or a county sheriff’s office in communities where there is no police department.

“(2) The term ‘tribal law enforcement agency or department’ means the police force of an Indian tribe (as such term is defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) established and maintained by such a tribe pursuant to the tribe’s powers of self-government to carry out law enforcement.”.

(b) DEFINITION OF FUSION CENTER.—Section 2 of such Act is amended by adding at the end the following new paragraph:

“(17) The terms ‘State, local, or regional fusion center’ and ‘fusion center’ mean a State intelligence center or a regional intelligence center that is the product of a collaborative effort of at least two qualifying agencies that provide resources, expertise, or information to such center with the goal of maximizing the ability of such intelligence center and the qualifying agencies participating in such intelligence center to provide and produce homeland security information required to detect, prevent, apprehend, and respond to terrorist and criminal activity. For purposes of the preceding sentence, qualifying agencies include—

“(A) State, local, and tribal law enforcement authorities, and homeland and public safety agencies;

“(B) State, local, and tribal entities responsible for the protection of public health and infrastructure;

“(C) private sector owners of critical infrastructure, as defined in section 1016(e) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (42 U.S.C. 5195c(e));

“(D) Federal law enforcement and homeland security entities; and

“(E) other appropriate entities specified by the Secretary.”.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is

amended by inserting after the item relating to section 202 the following:

“Sec. 203. FLEET Grant Program.”.

#### Subtitle B—Border Intelligence Fusion Center Program

##### SEC. 711. FINDINGS.

Congress finds the following:

(1) The United States has 216 airports, 143 seaports, and 115 official land border crossings that are official ports of entry. Screening all the people and goods coming through these busy ports is an enormous resource challenge for the men and women of the Department of Homeland Security (“Department”).

(2) Department personnel, including personnel from the Bureau of Customs and Border Protection (“CBP”) and U.S. Immigration and Customs Enforcement (“ICE”), cannot be everywhere at all times to ensure that terrorists, weapons of mass destruction, and other related contraband are not being smuggled across the border in order to support attacks against the United States.

(3) State, local, and tribal law enforcement personnel are uniquely situated to help secure the border areas in their respective jurisdictions by serving as “force multipliers”. To do so, however, law enforcement officers need access to available border intelligence developed by the Department. Such access shall help State, local, and tribal law enforcement personnel deploy their resources most effectively to detect and interdict terrorists, weapons of mass destruction, and related contraband at United States borders.

(4) The Department has not yet developed a single, easily accessible, and widely available system to consistently share border intelligence and other information with its State, local, and tribal law enforcement partners. It likewise has failed to establish a process by which State, local, and tribal law enforcement personnel can consistently share with the Department information that they obtain that is relevant to border security.

(5) As a result, State, local, and tribal law enforcement personnel serving jurisdictions along the northern and southern borders typically depend upon personal relationships with CBP and ICE personnel in their respective jurisdictions to get the information they need. While personal relationships have helped in some locales, they have not in others. This has led to an inconsistent sharing of border intelligence from jurisdiction to jurisdiction.

(6) State, local, and regional fusion centers (“fusion centers”) may help improve this situation.

(7) In the wake of the terrorist attacks of September 11, 2001, numerous State, local, and tribal authorities responsible for the protection of the public and critical infrastructure established fusion centers to help prevent terrorist attacks while at the same time preparing to respond to and recover from a terrorist attack should one occur.

(8) Most border States have some variation of a fusion center.

(9) In general, while the Federal Government has helped to establish fusion centers through the Department’s grants, a substantial percentage of the financial burden to support ongoing fusion center operations is borne by States and localities.

(10) The Department, and in particular, the Department’s Office of Intelligence and Analysis, has undertaken a program through which it sends such office’s personnel to fusion centers to establish a Department presence at those centers. In so doing, the hope is that such personnel will serve as a point of contact for information being shared at fusion centers by State, local, and tribal law enforcement personnel. Personnel at fusion

centers hopefully will also act as a channel for information being shared by the Department itself.

(11) Border State, local, and tribal law enforcement officers anticipate that fusion centers will be a critical source of border intelligence from the Department. While the Department’s border intelligence products generated in the District of Columbia and disseminated to fusion centers will undoubtedly be helpful, a far richer source of border intelligence will likely come from CBP and ICE personnel working locally in border jurisdictions themselves.

(12) Establishing a CBP and ICE presence at border State fusion centers will help ensure the most consistent, timely, and relevant flow of border intelligence to and from the Department and State, local, and tribal law enforcement in border communities. Border State fusion centers thus could serve as a tool to build upon the personal relationships and information sharing that exists in some, but not all, jurisdictions between CBP, ICE, and State, local, and tribal law enforcement.

##### SEC. 712. ESTABLISHMENT OF BORDER INTELLIGENCE FUSION CENTER PROGRAM.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following new section:

##### “SEC. 204. BORDER INTELLIGENCE FUSION CENTER PROGRAM.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established in the Department the Border Intelligence Fusion Center Program, to be administered by the Under Secretary for Intelligence and Analysis, for the purpose of stationing Bureau of Customs and Border Protection and U.S. Immigration and Customs Enforcement officers or intelligence analysts in the fusion centers of participating border States.

“(2) NEW HIRES.—Funding provided under the Border Intelligence Fusion Center Program shall be available to hire new CBP and ICE officers or intelligence analysts to replace CBP and ICE officers or intelligence analysts who are stationed at border State fusion centers under this section.

“(b) PARTICIPATION.—

“(1) IN GENERAL.—The Secretary may develop qualifying criteria for a border state fusion center’s participation in the Border Intelligence Fusion Center Program.

“(2) CRITERIA.—Such criteria may include the following:

“(A) Whether the center focuses on a broad counterterrorism and counter-criminal approach, and whether that broad approach is pervasive through all levels of the organization.

“(B) Whether the center has sufficient numbers of adequately trained personnel to support a broad counterterrorism and counter-criminal mission.

“(C) Whether the center has access to relevant law enforcement, private sector, open source, and national security data, as well as the ability to share and analytically exploit such data for actionable ends in accordance with all applicable laws and regulations.

“(D) The entity or entities providing financial support for the center’s funding.

“(E) Whether the center’s leadership is committed to the fusion center’s mission, and how the leadership sees the center’s role in terrorism prevention, mitigation, response, and recovery.

“(c) ASSIGNMENT.—Wherever possible, not fewer than one CBP officer or intelligence analyst and one ICE officer or intelligence analyst shall be stationed at each participating border State fusion center.

“(d) PREREQUISITE.—

“(1) PRIOR WORK EXPERIENCE IN AREA.—To be stationed at a border State fusion center under this section, a CBP or ICE officer shall have served as a CBP or ICE officer in the State in which the fusion center where such officer shall be stationed is located for not less than two years before such assignment in order to ensure that such officer is familiar with the geography and people living in border communities, as well as the State, local, and tribal law enforcement agencies serving those communities.

“(2) INTELLIGENCE ANALYSIS, PRIVACY, AND CIVIL LIBERTIES TRAINING.—Before being stationed at a border State fusion center under this section, a CBP or ICE officer shall undergo—

“(A) appropriate intelligence analysis training via an intelligence-led policing curriculum that is consistent with the standards and recommendations of the National Criminal Intelligence Sharing Plan, the Department of Justice and Department Fusion Center Guidelines, title 28, part 23, Code of Federal Regulations, as well as any other training prescribed by the Under Secretary for Intelligence and Analysis; and

“(B) appropriate privacy and civil liberties training that is developed, supported, or sponsored by the Privacy Officer and the Officer for Civil Rights and Civil Liberties in partnership with the Privacy and Civil Liberties Oversight Board.

“(3) EXPEDITED SECURITY CLEARANCE PROCESSING.—The Under Secretary for Intelligence and Analysis shall ensure that security clearance processing is expedited for each CBP and ICE officer or intelligence analyst stationed at border State fusion centers under this section and shall ensure that such officer or analyst has the appropriate clearance to conduct the work of the Border Intelligence Fusion Center Program.

“(4) FURTHER QUALIFICATIONS.—Each CBP and ICE officer or intelligence analyst stationed at a border State fusion center under this section shall satisfy any other qualifications the Under Secretary for Intelligence and Analysis may prescribe.

“(e) RESPONSIBILITIES.—

“(1) IN GENERAL.—

“(A) CREATION AND DISSEMINATION OF BORDER INTELLIGENCE PRODUCTS.—CBP and ICE officers and intelligence analysts assigned to border State fusion centers under this section will help State, local, and tribal law enforcement in jurisdictions along the northern and southern borders, and border State fusion center staff, overlay threat and suspicious activity with Federal homeland security information in order to develop a more comprehensive and accurate threat picture. Such CBP and ICE officers and intelligence analysts accordingly shall have as their primary mission the review of border security-relevant information from State, local, and tribal law enforcement sources, and the creation of border intelligence products derived from such information and other border-security relevant information provided by the Department, and the dissemination of such products to border State, local, and tribal law enforcement. CBP and ICE officers or intelligence analysts assigned to border State fusion centers under this section shall also provide such products to the Office of Intelligence and Analysis of the Department for collection and dissemination to other fusion centers in other border States.

“(B) DATABASE ACCESS.—In order to fulfill the objectives described in subparagraph (A), CBP and ICE officers and intelligence analysts stationed at border State fusion centers under this section shall have direct access to all relevant databases at their respective agencies.

“(C) CUSTOMER SATISFACTION SURVEYS.—The Secretary shall create a mechanism for

State, local, and tribal law enforcement officers who are consumers of the intelligence products described in subparagraph (A) to fill out an electronic customer satisfaction survey whenever they access such a product. The results of these voluntary surveys should be provided electronically to appropriate personnel of the Department. The results of these customer satisfaction surveys should also be included in an appropriate format in the annual status reports described in subsection (h)(2)(A).

“(2) CULTIVATION OF RELATIONSHIPS.—CBP and ICE officers and intelligence analysts stationed at border State fusion centers under this section shall actively cultivate relationships with State, local, and tribal law enforcement personnel in border communities in order to satisfy the mission described in paragraph (1), and shall make similar outreach to Canadian and Mexican law enforcement authorities serving neighboring communities across the northern and southern borders. CBP and ICE officers and intelligence analysts stationed at border State fusion centers under this section may also serve as a conduit of border intelligence products from the Department itself and shall ensure that such products are provided to all appropriate law enforcement agencies, departments, and offices in border States.

“(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require a border State fusion center to participate in the Border Intelligence Fusion Center Program.

“(g) REPORTS.—

“(1) DEVELOPMENT OF IMPLEMENTATION PLAN.—

“(A) IN GENERAL.—Not later than 90 days after the date of the enactment of the Implementing the 9/11 Commission Recommendations Act of 2007, the Secretary shall develop a Border Intelligence Fusion Center Program implementation plan and submit to the appropriate congressional committees a copy of such plan. In developing such plan, the Secretary shall consult with State, local, and tribal authorities responsible for border State fusion centers.

“(B) CONTENTS.—The implementation plan should also address the following elements for effective program assessment:

“(i) A clear articulation of the purposes, goals, and specific objectives for which the program is being developed.

“(ii) An identification of program stakeholders and an assessment of their interests in and expectations of the program.

“(iii) A developed set of quantitative metrics to measure, to the extent possible, program output.

“(iv) A developed set of qualitative instruments (e.g., surveys and expert interviews) to assess the extent to which stakeholders believe their needs and expectations are being met.

“(2) STATUS REPORTS AND CONTINUATION ASSESSMENT.—

“(A) STATUS REPORTS.—

“(i) IN GENERAL.—The Secretary shall submit to the appropriate congressional committees status reports on the Border Intelligence Fusion Center Program. The reports shall address the elements described in paragraph (1)(B). The reports shall also include the following:

“(I) A description of the training programs in place for CBP and ICE officers and intelligence analysts participating in the program.

“(II) A listing of the border State fusion centers where CBP and ICE officers and intelligence analysts are deployed.

“(III) A representative survey of State, local, and tribal law enforcement officers serving border jurisdictions regarding the specificity and actionable nature of the bor-

der intelligence provided by CBP and ICE officers at such fusion centers.

“(IV) A description of the results of the customer satisfaction surveys submitted by users of the products described in subsection (e)(1).

“(ii) DEADLINES.—Status reports under clause (i) shall be submitted not later than—

“(I) one year after the date of the enactment of the Implementing the 9/11 Commission Recommendations Act of 2007; and

“(II) three and five years after the date on which the Border Intelligence Fusion Center Program is established.

“(B) CONTINUATION ASSESSMENT.—Not later than the end of the fifth year following the date on which the Border Intelligence Fusion Center Program is established, the Secretary shall submit to the appropriate congressional committees a Border Intelligence Fusion Center Program Continuation Assessment. The continuation assessment shall accomplish the following:

“(i) Recommend whether the program should continue in its present or some altered form or not.

“(ii) Provide the reasons for that recommendation.

“(iii) If the recommendation is that the program should continue, list and describe legislative priorities for Congress regarding the continuation of the program, and provide recommended appropriations amounts and justifications for them.

“(h) DEFINITION OF BORDER STATE FUSION CENTER.—The term ‘border State fusion center’ means a fusion center located in the State of Washington, Idaho, Montana, North Dakota, Minnesota, Wisconsin, Michigan, Ohio, Pennsylvania, New York, Vermont, New Hampshire, Maine, California, Arizona, New Mexico, or Texas.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 203 the following:

“Sec. 204. Border Intelligence Fusion Center Program.”

#### **Subtitle C—Homeland Security Information Sharing Enhancement**

#### **SEC. 721. SHORT TITLE.**

This subtitle may be cited as the ‘Homeland Security Information Sharing Enhancement Act of 2007’.

#### **SEC. 722. HOMELAND SECURITY ADVISORY SYSTEM.**

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

#### **“SEC. 205. HOMELAND SECURITY ADVISORY SYSTEM.**

“(a) REQUIREMENT.—The Under Secretary for Intelligence and Analysis shall implement a Homeland Security Advisory System in accordance with this section to provide public advisories and alerts regarding threats to homeland security, including national, regional, local, and economic sector advisories and alerts, as appropriate.

“(b) REQUIRED ELEMENTS.—The Under Secretary, under the System—

“(1) shall include, in each advisory and alert regarding a threat, information on appropriate protective measures and countermeasures that may be taken in response to the threat;

“(2) shall, whenever possible, limit the scope of each advisory and alert to a specific region, locality, or economic sector believed to be at risk; and

“(3) shall not, in issuing any advisory or alert, use color designations as the exclusive means of specifying the homeland security threat conditions that are the subject of the advisory or alert.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is

amended by adding at the end of the items relating to subtitle A of title II the following:

“Sec. 205. Homeland Security Advisory System.”.

#### SEC. 723. HOMELAND SECURITY INFORMATION SHARING.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following:

#### “SEC. 206. HOMELAND SECURITY INFORMATION SHARING.

“(a) INFORMATION SHARING ENVIRONMENT.—Consistent with section 1016 of the National Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) and in accordance with all other applicable laws and regulations, the Secretary shall integrate and standardize the information of the intelligence components of the Department into a Department information sharing environment, to be administered by the Under Secretary for Intelligence and Analysis.

“(b) INFORMATION SHARING AND KNOWLEDGE MANAGEMENT OFFICERS.—For each intelligence component of the Department, the Secretary shall designate an information sharing and knowledge management officer who shall report to the Under Secretary for Intelligence and Analysis with respect to coordinating the different systems used in the Department to gather and disseminate homeland security information.

“(c) STATE, LOCAL, AND PRIVATE-SECTOR SOURCES OF INFORMATION.—

“(1) ESTABLISHMENT OF BUSINESS PROCESSES.—The Under Secretary for Intelligence and Analysis shall establish Department-wide procedures for the review and analysis of information gathered from State, local, tribal, and private-sector sources and, as appropriate, integrate such information into the information gathered by the Department and other department and agencies of the Federal Government.

“(2) FEEDBACK.—The Secretary shall develop mechanisms to provide analytical and operational feedback to any State, local, tribal, and private-sector entities that gather information and provide such information to the Secretary.

“(d) TRAINING AND EVALUATION OF EMPLOYEES.—

“(1) TRAINING.—The Under Secretary shall provide to employees of the Department opportunities for training and education to develop an understanding of the definition of homeland security information, how information available to them as part of their duties might qualify as homeland security information, and how information available to them is relevant to the Office of Intelligence and Analysis.

“(2) EVALUATIONS.—The Under Secretary shall, on an ongoing basis, evaluate how employees of the Office of Intelligence and Analysis and the intelligence components of the Department are utilizing homeland security information and participating in the Department information sharing environment.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to such subtitle the following:

“Sec. 206. Homeland security information sharing.”.

(c) ESTABLISHMENT OF COMPREHENSIVE INFORMATION TECHNOLOGY NETWORK ARCHITECTURE.—

(1) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following new section:

#### “SEC. 207. COMPREHENSIVE INFORMATION TECHNOLOGY NETWORK ARCHITECTURE.

“(a) ESTABLISHMENT.—The Secretary, acting through the Chief Intelligence Officer, shall establish a comprehensive information technology network architecture for the Office of Intelligence and Analysis.

“(b) NETWORK MODEL.—The comprehensive information technology network architecture established under subsection (a) shall, to the extent possible, incorporate the approaches, features, and functions of the network proposed by the Markle Foundation in reports issued in October 2002 and December 2003, known as the System-wide Homeland Security Analysis and Resource Exchange (SHARE) Network.

“(c) COMPREHENSIVE INFORMATION TECHNOLOGY NETWORK ARCHITECTURE DEFINED.—the term ‘comprehensive information technology network architecture’ means an integrated framework for evolving or maintaining existing information technology and acquiring new information technology to achieve the strategic goals and information resources management goals of the Office of Intelligence and Analysis.”.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to such subtitle the following:

“Sec. 207. Comprehensive information technology network architecture.”.

(3) REPORTS.—

(A) REPORT ON IMPLEMENTATION OF PLAN.—Not later than 360 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report containing a plan to implement the comprehensive information technology network architecture for the Office of Intelligence and Analysis of the Department of Homeland Security required under section 205 of the Homeland Security Act of 2002, as added by paragraph (1). Such report shall include the following:

(i) Priorities for the development of the comprehensive information technology network architecture and a rationale for such priorities.

(ii) An explanation of how the various components of the comprehensive information technology network architecture will work together and interconnect.

(iii) A description of the technology challenges that the Office of Intelligence and Analysis will face in implementing the comprehensive information technology network architecture.

(iv) A description of technology options that are available or are in development that may be incorporated into the comprehensive technology network architecture, the feasibility of incorporating such options, and the advantages and disadvantages of doing so.

(v) An explanation of any security protections to be developed as part of the comprehensive information technology network architecture.

(vi) A description of any safeguards for civil liberties and privacy to be built into the comprehensive information technology network architecture.

(vii) An operational best practices plan.

(B) PROGRESS REPORT.—Not later than 180 days after the date on which the report is submitted under subparagraph (A), the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the progress of the Secretary in developing the comprehensive information technology net-

work architecture required under section 205 of the Homeland Security Act of 2002, as added by paragraph (1).

(d) INTELLIGENCE COMPONENT DEFINED.—Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is further amended by adding at the end the following new paragraph:

“(18) The term ‘intelligence component of the Department’ means any directorate, agency, or element of the Department that gathers, receives, analyzes, produces, or disseminates homeland security information except—

“(A) a directorate, agency, or element of the Department that is required to be maintained as a distinct entity under this Act; or

“(B) any personnel security, physical security, document security, or communications security program within any directorate, agency, or element of the Department.”.

#### Subtitle D—Homeland Security Information Sharing Partnerships

#### SEC. 731. SHORT TITLE.

This subtitle may be cited as the “Homeland Security Information Sharing Partnerships Act of 2007”.

#### SEC. 732. STATE, LOCAL, AND REGIONAL INFORMATION FUSION CENTER INITIATIVE.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following:

#### “SEC. 208. STATE, LOCAL, AND REGIONAL FUSION CENTER INITIATIVE.

“(a) ESTABLISHMENT.—The Secretary shall establish a State, Local, and Regional Fusion Center Initiative to establish partnerships with State, local, and regional fusion centers.

“(b) DUTIES.—Through the State, Local, and Regional Fusion Center Initiative, the Secretary shall—

“(1) coordinate with the principal official of each State, local, or regional fusion center and the official designated as the Homeland Security Advisor of the State;

“(2) provide Department operational and intelligence advice and assistance to State, local, and regional fusion centers;

“(3) support efforts to include State, local, and regional fusion centers into efforts to establish an information sharing environment (as defined under section 1016(a)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485(a)(2))) in accordance with all applicable laws and regulations;

“(4) conduct table-top and live training exercises to regularly assess the capability of individual and regional networks of State, local, and regional fusion centers to integrate the efforts of such networks with the efforts of the Department;

“(5) coordinate with other relevant Federal entities engaged in homeland security-related activities;

“(6) provide analytic and reporting advice and assistance to State, local, and regional fusion centers;

“(7) review homeland security information gathered by State, local, and regional fusion centers and incorporate relevant information with homeland security information of the Department;

“(8) provide management assistance to State, local, and regional fusion centers;

“(9) serve as a point of contact to ensure the dissemination of relevant homeland security information.

“(10) facilitate close communication and coordination between State, local, and regional fusion centers and the Department;

“(11) provide State, local, and regional fusion centers with expertise on Department resources and operations;

“(12) provide training to State, local, and regional fusion centers and encourage such



fusion centers to participate in terrorist threat-related exercises conducted by the Department; and

“(13) carry out such other duties as the Secretary determines are appropriate.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to such subtitle the following:

“Sec. 208. State, Local, and Regional Information Fusion Center Initiative.”.

(c) **REPORTS.**—

(1) **CONCEPT OF OPERATIONS.**—Not later than 90 days after the date of the enactment of this Act and before the State, Local, and Regional Fusion Center Initiative under section 208 of the Homeland Security Act of 2002, as added by subsection (a), has been implemented, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that contains a concept of operations for the Initiative, which shall include a privacy and civil liberties impact assessment.

(2) **PRIVACY AND CIVIL LIBERTIES.**—

(A) **REVIEW OF CONCEPT OF OPERATIONS.**—Not later than 180 days after the date on which the report under paragraph (1) is submitted, the Privacy Officer of the Department of Homeland Security and the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security shall review the privacy and civil liberties implications of the Initiative and the concept of operations and report any concerns to the Secretary of Homeland Security and the Under Secretary of Homeland Security for Intelligence and Analysis. The Secretary may not implement the Initiative until the Privacy Officer and the Officer for Civil Rights and Civil Liberties have certified that any privacy or civil liberties concerns have been addressed.

(B) **REVIEW OF PRIVACY IMPACT.**—Under the authority of section 222(5) of the Homeland Security Act of 2002 (6 U.S.C. 142(5)), not later than one year after the date on which the State, Local, and Regional Fusion Center Initiative is implemented, the Privacy Officer of the Department of Homeland Security, in consultation with the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security, shall submit to Congress, the Secretary of Homeland Security, and the Under Secretary of Homeland Security for Intelligence and Analysis a report on the privacy and civil liberties impact of the Initiative.

### **SEC. 733. HOMELAND SECURITY INFORMATION SHARING FELLOWS PROGRAM.**

(a) **ESTABLISHMENT OF PROGRAM.**—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following:

#### **“SEC. 209. HOMELAND SECURITY INFORMATION SHARING FELLOWS PROGRAM.**

“(a) **ESTABLISHMENT.**—

“(1) **IN GENERAL.**—The Secretary, acting through the Under Secretary for Intelligence and Analysis, shall establish a fellowship program in accordance with this section for the purpose of—

“(A) detailing State, local, and tribal law enforcement officers and intelligence analysts to the Department to participate in the work of the Office of Intelligence and Analysis in order to become familiar with—

“(i) the mission and capabilities of the Office of Intelligence and Analysis; and

“(ii) the role, programs, products, and personnel of the Office of Intelligence and Analysis; and

“(B) promoting information sharing between the Department and State, local, and

tribal law enforcement officers and intelligence analysts by stationing such officers and analysts in order to—

“(i) serve as a point of contact in the Department to assist in the representation of State, local, and tribal homeland security information needs;

“(ii) identify homeland security information of interest to State, local, and tribal law enforcement officers and intelligence analysts; and

“(iii) assist Department analysts in preparing and disseminating terrorism-related products that are tailored to State, local, and tribal law enforcement officers and intelligence analysts and designed to thwart terrorist attacks.

“(2) **PROGRAM NAME.**—The program under this section shall be known as the ‘Homeland Security Information Sharing Fellows Program’.

“(b) **ELIGIBILITY.**—

“(1) **IN GENERAL.**—In order to be eligible for selection as an Information Sharing Fellow under the program, an individual must—

“(A) have homeland security-related responsibilities or law enforcement-related responsibilities;

“(B) be eligible for an appropriate national security clearance;

“(C) possess a valid need for access to classified information, as determined by the Under Secretary for Intelligence and Analysis;

“(D) be an employee of an eligible entity; and

“(E) have undergone appropriate privacy and civil liberties training that is developed, supported, or sponsored by the Privacy Officer and the Officer for Civil Rights and Civil Liberties in partnership with the Privacy and Civil Liberties Oversight Board.

“(2) **ELIGIBLE ENTITIES.**—For purposes of this subsection, the term ‘eligible entity’ means—

“(A) a State, local, or regional fusion center;

“(B) a State or local law enforcement or other government entity that serves a major metropolitan area, as determined by the Secretary;

“(C) a State or local law enforcement or other government entity that serves a suburban or rural area, as determined by the Secretary;

“(D) a State or local law enforcement or other government entity with port responsibilities, as determined by the Secretary;

“(E) a State or local law enforcement or other government entity with border responsibilities, as determined by the Secretary;

“(F) a State or local law enforcement or other government entity with agricultural responsibilities, as determined by the Secretary;

“(G) a tribal law enforcement or other authority; or

“(H) such other entity as the Secretary determines is appropriate.

“(c) **OPTIONAL PARTICIPATION.**—No State, local, or tribal law enforcement or other government entity shall be required to participate in the Homeland Security Information Sharing Fellows Program.

“(d) **PROCEDURES FOR NOMINATION AND SELECTION.**—

“(1) **IN GENERAL.**—The Under Secretary shall establish procedures to provide for the nomination and selection of individuals to participate in the Homeland Security Information Sharing Fellows Program.

“(2) **LIMITATIONS.**—The Under Secretary shall—

“(A) select law enforcement officers and intelligence analysts representing a broad cross-section of State, local, and tribal agencies; and

“(B) ensure that the number of Information Sharing Fellows selected does not impede the activities of the Office of Intelligence and Analysis.

“(e) **LENGTH OF SERVICE.**—Information Sharing Fellows shall serve for a reasonable period of time, as determined by the Under Secretary. Such period of time shall be sufficient to advance the information-sharing goals of the Under Secretary and encourage participation by as many qualified nominees as possible.

“(f) **CONDITION.**—As a condition of selecting an individual as an Information Sharing Fellow under the program, the Under Secretary shall require that the individual’s employer agree to continue to pay the individual’s salary and benefits during the period for which the individual is detailed.

“(g) **STIPEND.**—During the period for which an individual is detailed under the program, the Under Secretary shall, subject to the availability of appropriations provide to the individual a stipend to cover the individual’s reasonable living expenses for that period.

“(h) **SECURITY CLEARANCES.**—If an individual selected for a fellowship under the Information Sharing Fellows Program does not possess the appropriate security clearance, the Under Secretary shall ensure that security clearance processing is expedited for such individual and shall ensure that each such Information Sharing Fellow has obtained the appropriate security clearance prior to participation in the Program.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to such subtitle the following:

“Sec. 209. Homeland Security Information Sharing Fellows Program.”.

(c) **REPORTS.**—

(1) **CONCEPT OF OPERATIONS.**—Not later than 90 days after the date of the enactment of this Act and before the implementation of the Homeland Security Information Sharing Fellows Program under section 209 of the Homeland Security Act of 2002, as added by subsection (a), the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that contains a concept of operations for the Program, which shall include a privacy and civil liberties impact assessment.

(2) **PRIVACY AND CIVIL LIBERTIES.**—

(A) **REVIEW OF CONCEPT OF OPERATIONS.**—Not later than 180 days after the date on which the report under paragraph (1) is submitted, the Privacy Officer of the Department of Homeland Security and the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security shall review the privacy and civil liberties implications of the Program and the concept of operations and report any concerns to the Secretary of Homeland Security and the Under Secretary of Homeland Security for Intelligence and Analysis. The Secretary may not implement the Program until the Privacy Officer and the Officer for Civil Rights and Civil Liberties have certified that any privacy or civil liberties concerns have been addressed.

(B) **REVIEW OF PRIVACY IMPACT.**—Under the authority of section 222(5) of the Homeland Security Act of 2002 (6 U.S.C. 142(5)), not later than one year after the date on which the Homeland Security Information Sharing Fellows Program is implemented, the Privacy Officer of the Department of Homeland Security, in consultation with the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security, shall submit to Congress, the Secretary of Homeland Security, and the Under Secretary of Homeland Security for Intelligence and Analysis a

report on the privacy and civil liberties impact of the Program.

**Subtitle E—Homeland Security Intelligence Offices Reorganization**

**SEC. 741. DEPARTMENTAL REORGANIZATION.**

(a) REDESIGNATION OF DIRECTORATE FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION.—Section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121) is amended—

(1) in subsection (a)(1)—

(A) by striking “a Directorate for Information Analysis and Infrastructure Protection” and inserting “an Office of Intelligence and Analysis”; and

(B) by striking “an Under Secretary for Information Analysis and Infrastructure Protection” and inserting “an Under Secretary for Intelligence and Analysis”;

(2) by striking subsection (b) and redesignating subsections (c) through (g) as subsections (b) through (f), respectively;

(3) in subsection (b), as so redesignated—

(A) by striking “and infrastructure protection” before “are carried out” and inserting “and intelligence”; and

(B) by striking “the Under Secretary for Information Analysis and Infrastructure Protection” and inserting “the Under Secretary for Intelligence and Analysis”;

(4) in subsection (c), as so redesignated—

(A) by striking “the Under Secretary for Information Analysis and Infrastructure Protection” and inserting “the Under Secretary for Intelligence and Analysis”;

(B) by striking paragraphs (2), (5), and (6), and redesignating paragraphs (3) through (17) as paragraphs (2) through (14), respectively;

(C) by redesignating paragraphs (18) and (19) as paragraphs (20) and (21), respectively;

(D) in paragraph (2), as so redesignated, by striking “To integrate” and inserting “To participate in the integration of”;

(E) in paragraph (14), as so redesignated, by inserting “the Assistant Secretary for Infrastructure Protection and” after “coordinate with”; and

(F) by inserting after paragraph (14), as redesignated by subparagraph (B), the following new paragraphs:

“(15) To coordinate and enhance integration among intelligence components of the Department.

“(16) To establish intelligence priorities, policies, processes, standards, guidelines, and procedures for the Department.

“(17) To establish a structure and process to support the missions and goals of the intelligence components of the Department.

“(18) To ensure that, whenever possible—

“(A) the Under Secretary for Intelligence and Analysis produces and disseminates reports and analytic products based on open-source information that do not require a national security classification under applicable law; and

“(B) such unclassified open source reports are produced and disseminated contemporaneously with reports or analytic products concerning the same or similar information that the Under Secretary for Intelligence and Analysis produces and disseminates in a classified format.

“(19) To establish within the Office of Intelligence Analysis an Internal Continuity of Operations (COOP) Plan that—

“(A) assures that the capability exists to continue uninterrupted operations during a wide range of potential emergencies, including localized acts of nature, accidents, and technological or attack-related emergencies, that is maintained at a high level of readiness and is capable of implementation with and without warning; and

“(B) includes plans and procedures governing succession to office within the Office of Intelligence and Analysis, including—

“(i) emergency delegations of authority (where permissible, and in accordance with applicable law);

“(ii) the safekeeping of vital resources, facilities, and records;

“(iii) the improvisation or emergency acquisition of vital resources necessary for the performance of operations of the Office; and

“(iv) the capability to relocate essential personnel and functions to and to sustain the performance of the operations of the Office at an alternate work site until normal operations can be resumed.”;

(5) in subsections (d) and (e), as redesignated by subsection (a)(2), by striking “Directorate” each place it appears and inserting “Office”; and

(6) in subsection (f), as redesignated by subsection (a)(2)—

(A) by striking “the Under Secretary for Information Analysis and Infrastructure Protection” and inserting “the Under Secretary for Intelligence and Analysis and the Assistant Secretary for Infrastructure Protection”; and

(B) by inserting “and section 203” after “under this section”.

**(b) TECHNICAL AND CONFORMING AMENDMENTS.—**

(1) HOMELAND SECURITY ACT OF 2002.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) in section 103(a), by adding at the end the following new paragraph:

“(10) An Under Secretary for Intelligence and Analysis.”;

(B) in section 223, by striking “Under Secretary for Information Analysis and Infrastructure Protection” and inserting “Under Secretary for Intelligence and Analysis, in cooperation with the Assistant Secretary for Infrastructure Protection”;

(C) in section 224, by striking “Under Secretary for Information Analysis and Infrastructure Protection” and inserting “Assistant Secretary for Infrastructure Protection”; and

(D) in section 302(3), by striking “Under Secretary for Information Analysis and Infrastructure Protection” and inserting “Under Secretary for Intelligence and Analysis and the Assistant Secretary for Infrastructure Protection”.

**(2) HEADINGS.—**

(A) SECTION 201.—The heading for section 201 of such Act is amended to read as follows:

**“SEC. 201. OFFICE OF INTELLIGENCE AND ANALYSIS.”**

(B) SECTION 201(a).—The heading for subsection (a) of section 201 of such Act is amended to read as follows:

**“(a) UNDER SECRETARY OF HOMELAND SECURITY FOR INTELLIGENCE AND ANALYSIS.—”**

(C) SECTION 201(b).—The heading for subsection (b) of section 201 of such Act, as redesignated by subsection (a)(2), is amended to read as follows:

**“(b) DISCHARGE OF INTELLIGENCE AND ANALYSIS.—”**

(3) NATIONAL SECURITY ACT OF 1947.—Section 106(b)(2)(I) of the National Security Act of 1947 (50 U.S.C. 403-6) is amended to read as follows:

“(I) The Under Secretary for Intelligence and Analysis of the Department of Homeland Security.”.

(4) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 7306(a)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3848) is amended by striking “Under Secretary for Information Analysis and Infrastructure Protection” and inserting “Under Secretary for Intelligence and Analysis”.

**SEC. 742. INTELLIGENCE COMPONENTS OF DEPARTMENT OF HOMELAND SECURITY.**

(a) RESPONSIBILITIES.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is further amended by adding at the end the following new section:

**“SEC. 210. INTELLIGENCE COMPONENTS.**

“(a) RESPONSIBILITIES.—Subject to the direction and control of the Secretary, the responsibilities of the head of each intelligence component of the Department are as follows:

“(1) To ensure that duties related to the acquisition, analysis, and dissemination of homeland security information are carried out effectively and efficiently in support of the Under Secretary for Intelligence and Analysis.

“(2) To support and implement the goals established in cooperation with the Under Secretary for Intelligence and Analysis.

“(3) To incorporate the input of the Under Secretary for Intelligence and Analysis with respect to performance appraisals, bonus or award recommendations, pay adjustments, and other forms of commendation.

“(4) To coordinate with the Under Secretary for Intelligence and Analysis in the recruitment and selection of intelligence officials of the intelligence component.

“(5) To advise and coordinate with the Under Secretary for Intelligence and Analysis on any plan to reorganize or restructure the intelligence component that would, if implemented, result in realignments of intelligence functions.

“(6) To ensure that employees of the intelligence component have knowledge of and comply with the programs and policies established by the Under Secretary for Intelligence and Analysis and other appropriate officials of the Department and that such employees comply with all applicable laws and regulations.

“(7) To perform such other duties relating to such responsibilities as the Secretary may provide.

“(b) TRAINING OF EMPLOYEES.—The Secretary shall provide training and guidance for employees, officials, and senior executives of the intelligence components of the Department to develop knowledge of laws, regulations, operations, policies, procedures, and programs that are related to the functions of the Department relating to the handling, analysis, dissemination, and acquisition of homeland security information.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to such subtitle the following:

“Sec. 210. Intelligence components.”.

**SEC. 743. OFFICE OF INFRASTRUCTURE PROTECTION.**

(a) ESTABLISHMENT.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is further amended by adding at the end the following new section:

**“SEC. 210A. OFFICE OF INFRASTRUCTURE PROTECTION.**

“(a) ASSISTANT SECRETARY FOR INFRASTRUCTURE PROTECTION.—

“(1) IN GENERAL.—There shall be in the Department an Office of Infrastructure Protection headed by an Assistant Secretary for Infrastructure Protection.

“(2) RESPONSIBILITIES.—The Assistant Secretary shall assist the Secretary in discharging the responsibilities assigned by the Secretary.

“(b) DISCHARGE OF INFRASTRUCTURE PROTECTION.—The Secretary shall ensure that the responsibilities of the Department regarding infrastructure protection are carried out through the Assistant Secretary for Infrastructure Protection.

“(c) RESPONSIBILITIES OF ASSISTANT SECRETARY.—Subject to the direction and control of the Secretary, the responsibilities of

the Assistant Secretary for Infrastructure Protection shall be as follows:

“(1) To carry out comprehensive assessments of the vulnerabilities of the key resources and critical infrastructure of the United States, including the performance of risk assessments to determine the risks posed by particular types of terrorist attacks within the United States (including an assessment of the probability of success of such attacks and the feasibility and potential efficacy of various countermeasures to such attacks).

“(2) To participate in the integration of relevant information, analyses, and vulnerability assessments (whether such information, analyses, or assessments are provided or produced by the Department or others) in order to identify priorities for protective and support measures by the Department, other agencies of the Federal Government, State and local government agencies and authorities, the private sector, and other entities.

“(3) To develop a comprehensive national plan for securing the key resources and critical infrastructure of the United States, including power production, generation, and distribution systems, information technology and telecommunications systems (including satellites), electronic financial and property record storage and transmission systems, emergency preparedness communications systems, and the physical and technological assets that support such systems.

“(4) To recommend measures necessary to protect the key resources and critical infrastructure of the United States in coordination with other agencies of the Federal Government and in cooperation with State and local government agencies and authorities, the private sector, and other entities.

“(5) To coordinate with the Under Secretary for Intelligence and Analysis and elements of the intelligence community and with Federal, State, and local law enforcement agencies, and the private sector, as appropriate.

“(6) To perform such other duties as assigned by the Secretary under this Act.

“(d) STAFF.—

“(1) IN GENERAL.—The Secretary shall provide the Office with a staff having appropriate expertise and experience to assist the Assistant Secretary in discharging responsibilities under this section.

“(2) PRIVATE SECTOR STAFF.—Staff under this subsection may include staff from the private sector.

“(3) SECURITY CLEARANCES.—Staff under this subsection shall possess security clearances appropriate for their work under this section.

“(e) DETAIL OF PERSONNEL.—

“(1) IN GENERAL.—In order to assist the Office in discharging responsibilities under this section, personnel of other Federal agencies may be detailed to the Department for the performance of analytic functions and related duties.

“(2) COOPERATIVE AGREEMENTS.—The Secretary and the head of the agency concerned may enter into cooperative agreements for the purpose of detailing personnel under this subsection.

“(3) BASIS.—The detail of personnel under this subsection may be on a reimbursable or non-reimbursable basis.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to such subtitle the following:

“Sec. 210A. Office of Infrastructure Protection.”.

## TITLE VIII—PROTECTING PRIVACY AND CIVIL LIBERTIES WHILE EFFECTIVELY FIGHTING TERRORISM

### Subtitle A—Privacy and Civil Liberties Oversight Boards

#### SEC. 801. SHORT TITLE.

This subtitle may be cited as the “Protection of Civil Liberties Act”.

#### SEC. 802. FINDINGS.

Congress finds the following:

(1) On July 22, 2004 the National Commission on Terrorist Attacks Upon the United States issued a report that included 41 specific recommendations to help prevent future terrorist attacks, including details of a global strategy and government reorganization necessary to implement that strategy.

(2) One of the recommendations focused on the protections of civil liberties. Specifically the following recommendation was made: “At this time of increased and consolidated government authority, there should be a board within the executive branch to oversee adherence to the guidelines we recommend and the commitment the government makes to defend our civil liberties.”.

(3) The report also states that “the choice between security and liberty is a false choice, as nothing is more likely to endanger America’s liberties than the success of a terrorist attack at home. Our History has shown that the insecurity threatens liberty at home. Yet if our liberties are curtailed, we lose the values that we are struggling to defend.”.

(4) On December 17, 2004, Public Law 108-458, the National Intelligence Reform Act, was signed into law. This law created a civil liberties board that does not have the authority necessary to protect civil liberties.

#### SEC. 803. MAKING THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD INDEPENDENT.

Section 1061(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note) is amended by striking “within the Executive Office of the President” and inserting “as an independent agency within the Executive branch”.

#### SEC. 804. REQUIRING ALL MEMBERS OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD BE CONFIRMED BY THE SENATE.

Subsection (e) of section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note) is amended to read as follows:

“(e) MEMBERSHIP.—

“(1) MEMBERS.—The Board shall be composed of a full-time chairman and 4 additional members, who shall be appointed by the President by no later than 6 months after the date of the enactment of the Protection of Civil Liberties Act, by and with the advice and consent of the Senate, which shall move expeditiously following each nomination.

“(2) QUALIFICATIONS.—Members of the Board shall be selected solely on the basis of their professional qualifications, achievements, public stature, expertise in civil liberties and privacy, and relevant experience, and without regard to political affiliation, but in no event shall more than 3 members of the Board be members of the same political party. The President shall, before appointing an individual who is not a member of the same political party as the President consult with the leadership of that party, if any, in the Senate and House of Representatives.

“(3) INCOMPATIBLE OFFICE.—An individual appointed to the Board may not, while serving on the Board, be an elected official, officer, or employee of the Federal Government, other than in the capacity as a member of the Board.

“(4) TERM.—Each member of the Board shall serve a term of six years, except that—

“(A) a member appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term;

“(B) upon the expiration of the term of office of a member, the member shall continue to serve until the member’s successor has been appointed and qualified, except that no member may serve under this subparagraph—

“(i) for more than 60 days when Congress is in session unless a nomination to fill the vacancy shall have been submitted to the Senate; or

“(ii) after the adjournment sine die of the session of the Senate in which such nomination is submitted; and

“(C) the members initially appointed under this subsection shall serve terms of two, three, four, five, and six years, respectively, from the effective date of this Act, with the term of each such member to be designated by the President.

“(5) QUORUM AND MEETINGS.—The Board shall meet upon the call of the chairman or a majority of its members. Three members of the Board shall constitute a quorum.”.

#### SEC. 805. SUBPOENA POWER FOR THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

Section 1061(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note) is amended—

(1) so that subparagraph (D) of paragraph (1) reads as follows:

“(D) require, by subpoena issued at the direction of a majority of the members of the Board, persons (other than departments, agencies, and elements of the executive branch) to produce any relevant information, documents, reports, answers, records, accounts, papers, and other documentary or testimonial evidence.”; and

(2) so that paragraph (2) reads as follows:

“(2) ENFORCEMENT OF SUBPOENA.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(D), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to produce the evidence required by such subpoena.”.

#### SEC. 806. REPORTING REQUIREMENTS.

(a) DUTIES OF BOARD.—Paragraph (4) of section 1061(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note) is amended to read as follows:

“(4) REPORTS.—

“(A) RECEIPT, REVIEW, AND SUBMISSION.—

“(i) IN GENERAL.—The Board shall—

“(I) receive and review reports from privacy officers and civil liberties officers described in section 212; and

“(II) periodically submit, not less than semiannually, reports to the appropriate congressional committees, including the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and to the President.

Such reports shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

“(ii) CONTENTS.—Not less than 2 reports the Board submits each year under clause (i)(II) shall include—

“(I) a description of the major activities of the Board during the preceding period;

“(II) information on the findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (c);

“(III) the minority views on any findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (c); and

“(IV) each proposal reviewed by the Board under subsection (c)(1) that the Board advised against implementing, but that notwithstanding such advice, was implemented.

“(B) INFORMING THE PUBLIC.—The Board shall—

“(i) make its reports, including its reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

“(ii) hold public hearings and otherwise inform the public of its activities, as appropriate and in a manner consistent with the protection of classified information and applicable law.”.

(b) PRIVACY AND CIVIL LIBERTIES OFFICERS.—

(1) DESIGNATION OF OFFICERS.—Section 1062 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3688) is amended to read as follows:

**“SEC. 1062. PRIVACY AND CIVIL LIBERTIES OFFICERS.**

“(a) DESIGNATION AND FUNCTIONS.—The Attorney General, the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, the Secretary of Health and Human Services, the Secretary of Homeland Security, the National Intelligence Director, the Director of the Central Intelligence Agency, any other entity within the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), and the head of any other department, agency, or element of the executive branch designated by the Privacy and Civil Liberties Oversight Board to be appropriate for coverage under this section shall designate not less than 1 senior officer to—

“(1) assist the head of such department, agency, or element and other officials of such department, agency, or element in appropriately considering privacy and civil liberties concerns when such officials are proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to efforts to protect the Nation against terrorism;

“(2) periodically investigate and review department, agency, or element actions, policies, procedures, guidelines, and related laws and their implementation to ensure that such department, agency, or element is adequately considering privacy and civil liberties in its actions;

“(3) ensure that such department, agency, or element has adequate procedures to receive, investigate, respond to, and redress complaints from individuals who allege such department, agency, or element has violated their privacy or civil liberties; and

“(4) in providing advice on proposals to retain or enhance a particular governmental power the officer shall consider whether such department, agency, or element has established—

“(A) that the power actually enhances security and the need for the power is balanced with the need to protect privacy and civil liberties;

“(B) that there is adequate supervision of the use by such department, agency, or element of the power to ensure protection of privacy and civil liberties; and

“(C) that there are adequate guidelines and oversight to properly confine its use.

“(b) EXCEPTION TO DESIGNATION AUTHORITY.—

“(1) PRIVACY OFFICERS.—In any department, agency, or element referred to in subsection (a) or designated by the Board, which has a statutorily created privacy officer, such officer shall perform the functions specified in subsection (a) with respect to privacy.

“(2) CIVIL LIBERTIES OFFICERS.—In any department, agency, or element referred to in subsection (a) or designated by the Board, which has a statutorily created civil liberties officer, such officer shall perform the functions specified in subsection (a) with respect to civil liberties.

“(c) SUPERVISION AND COORDINATION.—Each privacy officer or civil liberties officer described in subsection (a) or (b) shall—

“(1) report directly to the head of the department, agency, or element concerned; and

“(2) coordinate their activities with the Inspector General of such department, agency, or element to avoid duplication of effort.

“(d) AGENCY COOPERATION.—The head of each department, agency, or element shall ensure that each privacy officer and civil liberties officer—

“(1) has the information, material, and resources necessary to fulfill the functions of such officer;

“(2) is advised of proposed policy changes;

“(3) is consulted by decisionmakers; and

“(4) is given access to material and personnel the officer determines to be necessary to carry out the functions of such officer.

“(e) REPRISAL FOR MAKING COMPLAINT.—No action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to a privacy officer or civil liberties officer described in subsection (a) or (b), or to the Privacy and Civil Liberties Oversight Board, that indicates a possible violation of privacy protections or civil liberties in the administration of the programs and operations of the Federal Government relating to efforts to protect the Nation from terrorism shall be taken by any Federal employee in a position to take such action, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

“(f) PERIODIC REPORTS.—

“(1) IN GENERAL.—The privacy officers and civil liberties officers of each department, agency, or element referred to or described in subsection (a) or (b) shall periodically, but not less than quarterly, submit a report on the activities of such officers—

“(A)(i) to the appropriate congressional committees, including the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives;

“(ii) to the head of such department, agency, or element; and

“(iii) to the Privacy and Civil Liberties Oversight Board; and

“(B) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

“(2) CONTENTS.—Each report submitted under paragraph (1) shall include information on the discharge of each of the functions of the officer concerned, including—

“(A) information on the number and types of reviews undertaken;

“(B) the type of advice provided and the response given to such advice;

“(C) the number and nature of the complaints received by the department, agency, or element concerned for alleged violations; and

“(D) a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the activities of such officer.

“(g) INFORMING THE PUBLIC.—Each privacy officer and civil liberties officer shall—

“(1) make the reports of such officer, including reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

“(2) otherwise inform the public of the activities of such officer, as appropriate and in a manner consistent with the protection of classified information and applicable law.

“(h) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit or otherwise supplant any other authorities or responsibilities provided by law to privacy officers or civil liberties officers.

“(i) PROTECTIONS FOR HUMAN RESEARCH SUBJECTS.—The Secretary of Homeland Security shall ensure that the Department of Homeland Security complies with the protections for human research subjects, as described in part 46 of title 45, Code of Federal Regulations, or in equivalent regulations as promulgated by such Secretary, with respect to research that is conducted or supported by such Department.”.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by striking the item relating to section 1062 and inserting the following:

“Sec. 1062. Privacy and civil liberties officers.”.

**Subtitle B—Enhancement of Privacy Officer Authorities**

**SEC. 811. SHORT TITLE.**

This subtitle may be cited as the “Privacy Officer With Enhanced Rights Act of 2007” or the “POWER Act”.

**SEC. 812. AUTHORITIES OF THE PRIVACY OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.**

Section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) is amended—

(1) by inserting before the first sentence the following: “(a) APPOINTMENT AND RESPONSIBILITIES.—”; and

(2) by adding at the end the following:

“(b) AUTHORITY TO INVESTIGATE.—

“(1) IN GENERAL.—The senior official appointed under this section is specifically authorized—

“(A) to have access to all records, reports, audits, reviews, documents, papers, recommendations, and other materials available to the Department that relate to programs and operations with respect to which the senior official has responsibilities under this section;

“(B) to make such investigations and reports relating to the administration of the programs and operations of the Department as are, in the senior official’s judgment, necessary or desirable;

“(C) to require by subpoena the production, by persons other than Federal agencies, of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to performance of the functions of the senior official under this section;

“(D) to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary to performance of the functions of the senior official under this section; and

“(E) to take any other action that may be taken by the Inspector General of the Department, as necessary to require employees of the Department to produce documents and answer questions relevant to performance of the functions of the senior official under this section.

“(2) ENFORCEMENT OF SUBPOENAS.—Any subpoena issued under paragraph (1)(C) shall,

in the case of contumacy or refusal to obey, be enforceable by order of any appropriate United States district court.

“(3) EFFECT OF OATHS, ETC.—Any oath, affirmation, or affidavit administered or taken under paragraph (1)(D) by or before an employee of the Privacy Office designated for that purpose by the senior official appointed under subsection (a) shall have the same force and effect as if administered or taken by or before an officer having a seal of office.

“(c) TERM OF OFFICE.—The term of appointment of a senior official under subsection (a) shall be 5 years.

“(d) REPORTS TO CONGRESS.—The senior official appointed under subsection (a) shall submit reports directly to Congress regarding performance of the responsibilities of the senior official under this section, without any prior comment or amendment by the Secretary, Deputy Secretary, or any other officer or employee of the Department or the Office of Management and Budget.”

#### TITLE IX—IMPROVING CRITICAL INFRASTRUCTURE SECURITY

##### SEC. 901. VULNERABILITY ASSESSMENT AND REPORT ON CRITICAL INFRASTRUCTURE INFORMATION.

(a) IN GENERAL.—Subtitle B of title II of the Homeland Security Act of 2002 is amended by adding at the end the following new section:

##### “SEC. 216. ANNUAL CRITICAL INFRASTRUCTURE VULNERABILITY ASSESSMENT AND REPORT.

“(a) VULNERABILITY ASSESSMENT REQUIRED.—Except where a vulnerability assessment is required under another provision of law, for each fiscal year, the Secretary, acting through the Assistant Secretary for Infrastructure Protection pursuant to the responsibilities under section 210A, shall prepare a vulnerability assessment of the critical infrastructure information available to the Secretary with respect to that fiscal year. Each vulnerability assessment shall contain any actions or countermeasures proposed or recommended by the Secretary to address security concerns covered in the assessment. The information in each such assessment shall be set forth separately for each critical infrastructure sector, including the critical infrastructure sectors named in Homeland Security Presidential Directive-7, as in effect on January 1, 2006.

“(b) ANNUAL REPORT TO CONGRESS.—

“(1) REPORT REQUIRED.—Not later than six months after the last day of a fiscal year, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report containing a summary and review of the vulnerability assessments prepared by the Secretary under subsection (a) for that fiscal year and the two preceding fiscal years. The information in the report shall be set forth separately for each of the critical infrastructure sectors described in subsection (a).

“(2) CONTENTS OF REPORT.—The Secretary shall include in the report required under paragraph (1)—

“(A) for each critical infrastructure sector covered by the report, a summary comparison describing any changes between the vulnerability assessment for the fiscal year covered by the report and the vulnerability assessment for the preceding fiscal year;

“(B) the explanation and comments of the Secretary with respect to the greatest risks to critical infrastructure for each such sector; and

“(C) the recommendations of the Secretary for mitigating such risks.

“(3) CLASSIFIED ANNEX.—The report required under paragraph (1) may contain a classified annex.”

(b) TECHNICAL AMENDMENT.—Section 212(3) of such Act (6 U.S.C. 131(3)) is amended—

(1) by inserting “relating to” after “the security of critical infrastructure or protected systems”; and

(2) in subparagraph (A), by inserting “the” after “(A)”.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 215 the following new item:

“Sec. 216. Annual critical infrastructure vulnerability assessment and report.”

##### SEC. 902. NATIONAL ASSET DATABASE AND THE NATIONAL AT-RISK DATABASE.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 is amended by adding at the end the following new sections:

##### “SEC. 210C. NATIONAL ASSET DATABASE AND NATIONAL AT-RISK DATABASE.

“(a) ESTABLISHMENT.—

“(1) NATIONAL ASSET DATABASE.—The Secretary shall establish and maintain a national database of nationwide critical infrastructure assets to identify and prioritize critical infrastructure and key resources and to protect them from terrorist attack. The database shall be known as the ‘National Asset Database’.

“(2) NATIONAL AT-RISK DATABASE.—The Secretary shall establish within the National Asset Database, a database containing a list of the infrastructure the Secretary determines is most at risk, to be known as the ‘National At-Risk Database’.

“(3) NATIONAL ASSET DATABASE CONSORTIUM.—

“(A) ESTABLISHMENT.—The Secretary shall establish a consortium to be known as the ‘National Asset Database Consortium’. The Consortium shall advise the Secretary on the best way to identify, generate, organize, and maintain the databases described in paragraphs (1) and (2) and shall be made up of at least two but not more than four national laboratories and the heads of such other Federal agencies as the Secretary deems appropriate.

“(B) ADMINISTRATION AND CONSULTATION.—The Secretary shall—

“(i) select as members of the National Asset Database Consortium national laboratories or Federal agencies that have demonstrated experience working with and identifying critical infrastructure;

“(ii) enter into contracts, as necessary, with the members of the National Asset Database Consortium to perform the tasks required under this section; and

“(iii) solicit and receive comments from the National Asset Database Consortium on—

“(I) the appropriateness of the protection and risk methodologies in the National Infrastructure Protection Plan or other nationwide infrastructure protection plan issued by the Department; and

“(II) alternative means to define risk and identify specific criteria to prioritize the most at-risk infrastructure or key resources.

“(b) USE OF DATABASE.—The Secretary shall use the database established under subsection (a)—

“(1) in the development, coordination, integration, and implementation of plans and programs, including to identify, catalog, prioritize, and protect critical infrastructure and key resources in accordance with Homeland Security Presidential Directive number 7, and in cooperation with all levels of government and private sector entities that the Secretary considers appropriate; and

“(2) in providing any covered grant to assist in preventing, reducing, mitigating, or responding to terrorist attack.

“(c) MAINTENANCE OF DATABASE.—

“(1) IN GENERAL.—The Secretary shall maintain and annually update the database, including by—

“(A) annually defining and systematically examining assets in the database that are described incorrectly or that do not meet national assets guidelines used by the Secretary to determine which assets should remain in the National Asset Database and the National At-Risk Database;

“(B) annually providing a list to the States of assets referred to in subparagraph (A) for review before finalizing the decision of which assets to include in the National Asset Database and the National At-Risk Database;

“(C) reviewing the guidelines to the States to ensure consistency and uniformity for inclusion and how the Department intends to use that data;

“(D) meeting annually with the States to provide guidance and clarification of the guidelines to promote consistency and uniformity in submissions;

“(E) utilizing on an ongoing basis the National Asset Database and other expert panels established by the Department to review and refine the National Asset Database and the National At-Risk Database; and

“(F) utilizing the Department’s National Infrastructure Simulation and Analysis Center for the National Asset Database taxonomy and asset information in the National Asset Database and facilitating the future exchange of information between the National Asset Database and such center.

“(2) ORGANIZATION OF INFORMATION IN DATABASE.—The Secretary shall—

“(A) remove from the National Asset Database or the National At-Risk Database any asset that the Secretary determines to be unverifiable and as not meeting national asset guidelines set forth by the Secretary in requests for information from States; and

“(B) classify assets in the database according to the 17 sectors listed in National Infrastructure Protection Plan developed pursuant to Homeland Security Presidential Directive 7, to ensure that the assets in the National Asset Database and the National At-Risk Database can be categorized by State and locality, regionally, and in such a manner as is effective for grants and other purposes.

“(3) MILESTONES AND GUIDELINES.—The Secretary shall—

“(A) identify and evaluate key milestones for the National Asset Database and the National At-Risk Database, including methods to integrate private sector assets and tasks that must be completed to eventually allocate homeland security grant programs based on the information contained in the database; and

“(B) issue guidelines for—

“(i) States to submit uniform information for possible inclusion in the National Asset Database or the National At-Risk Database; and

“(ii) review of such submissions by the Department.

“(d) REPORTS.—

“(1) IN GENERAL.—Not later than March 1 of each year, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the critical infrastructure included in the National Asset Database that is most at risk to terrorism.

“(2) CONTENTS.—Each report shall include the following:

“(A) The name, location, and sector classification of assets in the National Asset Database that have been identified or deemed critical infrastructure that is most at risk to terrorism.

“(B) Changes made in such database regarding such critical infrastructure made during the period covered by the report regarding—

“(i) defining and identifying critical infrastructure; and

“(ii) compiling a usable database.

“(C) The extent to which the database has been used as a tool for allocating funds to prevent, reduce, mitigate, and respond to terrorist attacks.

“(3) CLASSIFIED INFORMATION.—The Secretary shall provide to the members of the committees to which the report required under this subsection is required to be submitted under paragraph (1) a classified briefing on the contents of such report. The Secretary shall also submit with each report a classified annex containing information required to be submitted under this section that cannot be made public.

“(e) COVERED GRANT DEFINED.—In this section, the term ‘covered grant’ means any grant provided by the Department under any of the following:

“(1) The Urban Area Security Initiative.

“(2) The Buffer Zone Protection Program.

“(3) Any other grant program administered by the Department, as determined appropriate by the Secretary.

“(4) Any successor to a program referred to in this paragraph.”.

(b) DEADLINES FOR IMPLEMENTATION AND NOTIFICATION OF CONGRESS.—

(1) DEADLINE FOR RECOMMENDATIONS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall secure recommendations on how to identify, generate, organize, and maintain the list of assets in the databases from the consortium of national laboratories, as required under section 210C(a)(2) of the Homeland Security Act of 2002, as added by subsection (a).

(2) DEADLINE FOR FIRST REPORT REGARDING USE OF THE NATIONAL ASSET DATABASE.—Notwithstanding the date specified under section 210C(d) of the Homeland Security Act of 2002, as added by subsection (a), the Secretary of Homeland Security shall submit the first report required under that section not later than 180 days after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by inserting after the item relating to section 210 the following:

“Sec. 210C. National Asset Database and National At-Risk Database.”.

(d) SUBMITTAL OF CERTAIN REPORTS.—Each report that is authorized or required by this Act (or the amendments made by this Act) to be prepared by the Secretary of Homeland Security and that concerns a matter of the type carried out under an program under the jurisdiction of the Committee on Energy and Commerce of the House of Representatives shall be submitted to the Committee on Energy and Commerce of the House of Representatives, in addition to the other congressional committees involved.

## **TITLE X—TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING**

### **SEC. 1001. STRATEGIC TRANSPORTATION SECURITY INFORMATION SHARING.**

Section 114 of title 49, United States Code, is amended by adding at the end the following:

“(u) STRATEGIC INFORMATION SHARING.—

“(1) ESTABLISHMENT OF PLAN.—The Secretary of Homeland Security shall establish a Strategic Transportation Security Information Sharing Plan.

“(2) PURPOSE OF PLAN.—The plan shall ensure the robust development of tactical and strategic intelligence products for disseminating to public and private stakeholders se-

curity information relating to threats to and vulnerabilities of transportation modes, including aviation, bridge and tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, and over-the-road bus transportation.

“(3) CONTENT OF PLAN.—The plan shall include—

“(A) a description of how intelligence analysts in the Transportation Security Administration are coordinating their activities with other intelligence analysts in the Department of Homeland Security and other Federal, State, and local agencies;

“(B) reasonable deadlines for completing any organizational changes within the Department of Homeland Security required to accommodate implementation of the plan; and

“(C) a description of resource needs for fulfilling the plan.

“(4) REPORTS TO CONGRESS.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall submit to the appropriate congressional committees a report containing the plan.

“(B) UPDATES.—

“(i) CERTIFICATION OF FULL IMPLEMENTATION.—After achieving full implementation of the plan, the Secretary shall submit to the appropriate congressional committees a written certification of such implementation.

“(ii) UPDATES ON IMPLEMENTATION.—Not later than 90 days after the date of submission of a report under subparagraph (A), and every 90 days thereafter until the date of submission of a written certification under clause (i), the Secretary shall submit to the appropriate congressional committees a report containing an update on implementation of the plan.

“(C) ANNUAL REPORT.—Following the date of submission of a written certification under subparagraph (B)(i), the Secretary shall submit to the appropriate congressional committees an annual report on the following:

“(i) The number of transportation intelligence reports disseminated under the plan and a brief description of each report.

“(ii) The security classification of each report.

“(iii) The number of public and private stakeholders who were provided with each report.

“(5) SURVEY.—The Secretary shall conduct an annual survey of the satisfaction of each of the recipients of transportation intelligence reports disseminated under the plan, and include the results of the survey as part of the annual report to be submitted under paragraph (4)(C).

“(6) SECURITY CLEARANCES.—The Secretary shall ensure that public and private stakeholders have the security clearances needed to receive classified information if information contained in transportation intelligence reports cannot be disseminated in an unclassified format.

“(7) CLASSIFICATION OF MATERIAL.—To the greatest extent possible, the Secretary shall provide public and private stakeholders with specific and actionable information in an unclassified format.

“(8) DEFINITIONS.—In this subsection, the following definitions apply:

“(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ has the meaning given that term in subsection (t).

“(B) PLAN.—The term ‘plan’ means the Strategic Transportation Security Information Sharing Plan established under paragraph (1).

“(C) PUBLIC AND PRIVATE STAKEHOLDERS.—The term ‘public and private stakeholders’

means Federal, State, and local agencies, tribal governments, and appropriate private entities, including nonprofit employee labor organizations.”.

### **SEC. 1002. TRANSPORTATION SECURITY STRATEGIC PLANNING.**

(a) IN GENERAL.—Section 114(t)(1)(B) of title 49, United States Code, is amended to read as follows:

“(B) transportation modal security plans addressing risks, threats, and vulnerabilities for aviation, bridge and tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, over-the-road bus, and other public transportation infrastructure assets.”.

(b) ROLE OF SECRETARY OF TRANSPORTATION.—Section 114(t)(2) of such title is amended by inserting before the period at the end the following: “and in carrying out all other responsibilities set forth in this subsection”.

(c) CONTENTS OF NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.—Section 114(t)(3) of such title is amended—

(1) in subparagraph (B) by inserting “, based on vulnerability assessments conducted by the Department of Homeland Security,” after “risk-based priorities”;

(2) in subparagraph (D)—  
(A) by striking “and local” and inserting “, local, and tribal”; and

(B) by striking “private sector cooperation and participation” and inserting “cooperation and participation by private sector entities, including nonprofit employee labor organizations,”;

(3) in subparagraph (E)—  
(A) by striking “response” and inserting “prevention, response,”; and

(B) by inserting “and outside of” before “the United States”; and

(4) in subparagraph (F) by adding at the end the following: “Research and development projects initiated by the Department of Homeland Security shall be based on such prioritization.”.

(d) PERIODIC PROGRESS REPORT.—Section 114(t)(4)(C) is amended—

(1) in clause (i) by inserting before the period at the end the following: “, including the transportation modal security plans”;

(2) by striking clause (ii) and inserting the following:

“(ii) CONTENT.—Each progress report submitted under this subparagraph shall include, at a minimum, the following:

“(I) Recommendations for improving and implementing the National Strategy for Transportation Security and the transportation modal security plans that the Secretary, in consultation with the Secretary of Transportation, considers appropriate.

“(II) An accounting of all grants for transportation security, including grants for research and development, distributed by the Department of Homeland Security in the previous year and a description of how the grants accomplished the goals of the National Strategy for Transportation Security.

“(III) An accounting of all funds (other than grants referred in subclause (II)) expended by the Department of Homeland Security on transportation security.

“(IV) Information on the number of employees of the Department of Homeland Security, by agency, working on transportation security issues. The listing shall be divided by transportation mode, including aviation, bridge and tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, over-the-road bus, and other public transportation modes. The listing shall include information, by transportation mode, on the number of contractors hired by the Department of Homeland Security to work on transportation-related security.



“(V) Information on the turnover in the previous year among employees of the Department of Homeland Security working on transportation security issues. Specifically, the report shall provide information on the number of employees who have left the Department, their agency, the area in which they worked, and the amount of time that they worked for the Department.

“(iii) WRITTEN EXPLANATION OF TRANSPORTATION SECURITY ACTIVITIES NOT DELINEATED IN THE NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.—Before carrying out a transportation security activity that is not clearly delineated in the National Strategy for Transportation Security, the Secretary shall submit to appropriate congressional committees a written explanation of the activity, including the amount of funds to be expended for the activity.”.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—Section 114(t)(4)(E) of such title is amended by striking “Select”.

(f) PRIORITY STATUS.—Section 114(t)(5)(B) of such title is amended—

(1) by striking “and” at the end of clause (iii);

(2) by redesignating clause (iv) as clause (v); and

(3) by inserting after clause (iii) the following:

“(iv) the transportation sector specific plan required under Homeland Security Presidential Directive 7; and”.

(g) COORDINATION; PLAN DISTRIBUTION.—Section 114(t) of such title is amended by adding at the end the following:

“(6) COORDINATION.—In carrying out the responsibilities set forth in this section, the Secretary of Homeland Security, working with the Secretary of Transportation, shall consult with Federal, State, and local agencies, tribal governments, private sector entities (including nonprofit employee labor organizations), institutions of higher learning, and other appropriate entities.

“(7) PLAN DISTRIBUTION.—The Secretary of Homeland Security shall provide an unclassified version of the National Strategy for Transportation Security to Federal, State, and local agencies, tribal governments, private sector entities (including nonprofit employee labor organizations), institutions of higher learning, and other appropriate entities.”.

## TITLE XI—PRIVATE SECTOR PREPAREDNESS

### SEC. 1101. PARTICIPATION OF PRIVATE SECTOR ORGANIZATIONS IN EMERGENCY PREPAREDNESS AND RESPONSE ACTIVITIES.

(a) ESTABLISHMENT OF PREPAREDNESS PROGRAM.—Section 519 of the Homeland Security Act of 2002 (6 U.S.C. 318) is amended—

(1) by striking the section heading and inserting the following:

“SEC. 519. PARTICIPATION OF PRIVATE SECTOR ORGANIZATIONS IN EMERGENCY PREPAREDNESS AND RESPONSE ACTIVITIES.”;

(2) by inserting “(a) USE OF PRIVATE SECTOR NETWORKS IN EMERGENCY RESPONSE.—” before “To the maximum”; and

(3) by adding at the end the following:

“(b) PRIVATE SECTOR EMERGENCY PREPAREDNESS PROGRAM.—

“(1) PREPAREDNESS PROGRAM.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall develop and implement a program to enhance private sector preparedness for acts of terrorism and other emergencies and disasters through the promotion of the use of voluntary consensus standards.

“(2) PROGRAM ELEMENTS.—In carrying out the program, the Secretary shall develop guidance and identify best practices to assist or foster action by the private sector in—

“(A) identifying hazards and assessing risks and impacts;

“(B) mitigating the impacts of a wide variety of hazards, including weapons of mass destruction;

“(C) managing necessary emergency preparedness and response resources;

“(D) developing mutual aid agreements;

“(E) developing and maintaining emergency preparedness and response plans, as well as associated operational procedures;

“(F) developing and conducting training and exercises to support and evaluate emergency preparedness and response plans and operational procedures;

“(G) developing and conducting training programs for security guards to implement emergency preparedness and response plans and operations procedures; and

“(H) developing procedures to respond to external requests for information from the media and the public.

“(3) STANDARDS.—

“(A) IN GENERAL.—The Secretary shall support the development of, promulgate, and regularly update as necessary national voluntary consensus standards for private sector emergency preparedness that will enable private sector organizations to achieve optimal levels of emergency preparedness as soon as practicable. Such standards shall include the National Fire Protection Association 1600 Standard on Disaster/Emergency Management and Business Continuity Programs.

“(B) CONSULTATION.—The Secretary shall carry out paragraph (1) in consultation with the Assistant Secretary for Infrastructure Protection, the Assistant Secretary for Cyber Security and Communications, the Under Secretary for Science and Technology, the Director of the Federal Emergency Management Agency, and the Special Assistant to the Secretary for the Private Sector.

“(4) COORDINATION.—The Secretary shall coordinate the program with, and utilize to the maximum extent practicable—

“(A) the voluntary standards for disaster and emergency management and business continuity programs accredited by the American National Standards Institute and developed by the National Fire Protection Association; and

“(B) any existing private sector emergency preparedness guidance or best practices developed by private sector industry associations or other organizations.”.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of such Act is amended by striking the item relating to section 519 and inserting the following:

“Sec. 519. Participation of private sector organizations in emergency preparedness and response activities.”.

## TITLE XII—PREVENTING WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM

### SEC. 1201. FINDINGS.

(a) FINDINGS OF THE 9/11 COMMISSION.—Congress finds that the 9/11 Commission made the following determinations:

(1) The United States Government has made insufficient progress, and receives a grade “D”, on efforts to prevent weapons of mass destruction (WMD) proliferation and terrorism.

(2) The Cooperative Threat Reduction (CTR) program has made significant accomplishments, but much remains to be done to secure weapons-grade nuclear materials. The size of the problem still dwarfs the policy response. Nuclear materials in the former Soviet Union still lack effective security protection, and sites throughout the world contain enough highly-enriched uranium to

fashion a nuclear device but lack even basic security features.

(3) Preventing the proliferation of WMD and acquisition of such weapons by terrorists warrants a maximum effort, by strengthening counter-proliferation efforts, expanding the Proliferation Security Initiative (PSI), and supporting the Cooperative Threat Reduction (CTR) Program.

(4) Preventing terrorists from gaining access to WMD must be an urgent national security priority because of the threat such access poses to the American people. The President should develop a comprehensive plan to dramatically accelerate the timetable for securing all nuclear weapons-usable material around the world and request the necessary resources to complete this task. The President should publicly state this goal and ensure its fulfillment.

(5) Congress should provide the resources needed to secure vulnerable materials as quickly as possible.

(b) RECOMMENDATIONS OF 9/11 COMMISSION.—Congress further finds that the 9/11 Commission has made the following recommendations:

(1) STRENGTHEN “COUNTER-PROLIFERATION” EFFORTS.—The United States should work with the international community to develop laws and an international legal regime with universal jurisdiction to enable any state in the world to capture, interdict, and prosecute smugglers of nuclear material.

(2) EXPAND THE PROLIFERATION SECURITY INITIATIVE.—In carrying out the Proliferation Security Initiative (PSI), the United States should—

(A) use intelligence and planning resources of the North Atlantic Treaty Organization (NATO) alliance;

(B) make participation open to non-NATO countries; and

(C) encourage Russia and the People’s Republic of China to participate.

(3) SUPPORT THE COOPERATIVE THREAT REDUCTION PROGRAM.—The United States should expand, improve, increase resources for, and otherwise fully support the Cooperative Threat Reduction (CTR) program.

### SEC. 1202. DEFINITIONS.

In this title:

(1) The terms “prevention of weapons of mass destruction proliferation and terrorism” and “prevention of WMD proliferation and terrorism” include activities under—

(A) the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2731; 50 U.S.C. 2362 note);

(B) the programs for which appropriations are authorized by section 3101(a)(2) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2458);

(C) programs authorized by section 504 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (the FREEDOM Support Act) (22 U.S.C. 5854) and programs authorized by section 1412 of the Former Soviet Union Demilitarization Act of 1992 (22 U.S.C. 5902); and

(D) a program of any agency of the Federal Government having a purpose similar to that of any of the programs identified in subparagraphs (A) through (C), as designated by the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism and the head of the agency.

(2) The terms “weapons of mass destruction” and “WMD” mean chemical, biological, and nuclear weapons, and chemical, biological, and nuclear materials that can be used in the manufacture of such weapons.

(3) The term “items of proliferation concern” means equipment or other materials that could be used to develop WMD or for activities involving WMD.

**Subtitle A—Repeal and Modification of Limitations on Assistance for Prevention of WMD Proliferation and Terrorism**

**SEC. 1211. REPEAL AND MODIFICATION OF LIMITATIONS ON ASSISTANCE FOR PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.**

Consistent with the recommendations of the 9/11 Commission, Congress repeals or modifies the limitations on assistance for prevention of weapons of mass destruction (WMD) proliferation and terrorism as follows:

(1) **SOVIET NUCLEAR THREAT REDUCTION ACT OF 1991.**—Section 211(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228; 22 U.S.C. 2551 note) is repealed.

(2) **COOPERATIVE THREAT REDUCTION ACT OF 1993.**—Section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103-160; 22 U.S.C. 5952(d)) is repealed.

(3) **RUSSIAN CHEMICAL WEAPONS DESTRUCTION FACILITIES.**—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 22 U.S.C. 5952 note) is repealed.

(4) **AUTHORITY TO USE COOPERATIVE THREAT REDUCTION FUNDS OUTSIDE THE FORMER SOVIET UNION—MODIFICATION OF CERTIFICATION REQUIREMENT; REPEAL OF FUNDING LIMITATION; CONGRESSIONAL NOTICE REQUIREMENT.**—Section 1308 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 22 U.S.C. 5963) is amended—

(A) in subsection (a)—  
(i) by striking “the President may” and inserting “the Secretary of Defense may”; and  
(ii) by striking “if the President” and inserting “if the Secretary of Defense, with the concurrence of the Secretary of State,”;

(B) by striking subsection (c);  
(C) in subsection (d)(1)—  
(i) by striking “The President may not” and inserting “The Secretary of Defense may not”; and

(ii) by striking “until the President” and inserting “until the Secretary of Defense”;

(D) in subsection (d)(2)—  
(i) by striking “Not later than 10 days after” and inserting “Not later than 15 days prior to”;

(ii) by striking “the President shall” and inserting “the Secretary of Defense shall”; and

(iii) by striking “Congress” and inserting “the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and Committee on Foreign Relations of the Senate”;

(E) in subsection (d) by adding at the end the following:

“(3) In the case of a situation that threatens human life or safety or where a delay would severely undermine the national security of the United States, notification under paragraph (2) shall be made not later than 10 days after obligating funds under the authority in subsection (a) for a project or activity.”

(5) **AUTHORITY TO USE INTERNATIONAL NUCLEAR MATERIALS PROTECTION AND COOPERATION PROGRAM FUNDS OUTSIDE THE FORMER SOVIET UNION—MODIFICATION OF CERTIFICATION REQUIREMENT; REPEAL OF FUNDING LIMITATION; CONGRESSIONAL NOTICE REQUIREMENT.**—Section 3124 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1747) is amended—

(A) in subsection (a)—

(i) by striking “the President may” and inserting “the Secretary of Energy may”; and  
(ii) by striking “if the President” and inserting “if the Secretary of Energy, with the concurrence of the Secretary of State,”;

(B) by striking subsection (c);  
(C) in subsection (d)(1)—

(i) by striking “The President may not” and inserting “The Secretary of Energy may not”; and

(ii) by striking “until the President” and inserting “until the Secretary of Energy”;

(D) in subsection (d)(2)—  
(i) by striking “Not later than 10 days after” and inserting “Not later than 15 days prior to”;

(ii) by striking “the President shall” and inserting “the Secretary of Energy shall”; and

(iii) by striking “Congress” and inserting “the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and Committee on Foreign Relations of the Senate”;

(E) in subsection (d) by adding at the end the following:

“(3) In the case of a situation that threatens human life or safety or where a delay would severely undermine the national security of the United States, notification under paragraph (2) shall be made not later than 10 days after obligating funds under the authority in subsection (a) for a project or activity.”

**Subtitle B—Proliferation Security Initiative**  
**SEC. 1221. PROLIFERATION SECURITY INITIATIVE IMPROVEMENTS AND AUTHORITIES.**

(A) **SENSE OF CONGRESS.**—It is the sense of Congress, consistent with the 9/11 Commission's recommendations, that the President should strive to expand and strengthen the Proliferation Security Initiative (PSI) announced by the President on May 31, 2003, with a particular emphasis on the following:

(1) Issuing a presidential directive to the relevant government agencies and departments that establishes a defined annual budget and clear authorities, and provides other necessary resources and structures to achieve more efficient and effective performance of United States PSI-related activities.

(2) Working with the United Nations Security Council to develop a resolution to authorize the PSI under international law.

(3) Increasing PSI cooperation with non-NATO partners.

(4) Implementing the recommendations of the Government Accountability Office (GAO) in the September 2006 report titled “Better Controls Needed to Plan and Manage Proliferation Security Initiative Activities” (GAO-06-937C), including the following:

(A) The Department of Defense and the Department of State should establish clear PSI roles and responsibilities, policies and procedures, interagency communication mechanisms, documentation requirements, and indicators to measure program results.

(B) The Department of Defense and the Department of State should develop a strategy to work with PSI-participating countries to resolve issues that are impediments to conducting successful PSI interdictions.

(5) Expanding and formalizing the PSI into a multilateral regime to increase coordination, cooperation, and compliance among its participating states in interdiction activities.

(b) **BUDGET SUBMISSION.**—The Secretary of State and the Secretary of Defense shall submit a defined budget for the PSI, beginning with the budget submissions for their respective departments for fiscal year 2009.

(c) **IMPLEMENTATION REPORT.**—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to

the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate a report on the implementation of this section. The report shall include—

(1) the steps taken to implement the recommendations described in paragraph (4) of subsection (a); and

(2) the progress made toward implementing the matters described in paragraphs (1), (2), (3), and (5) of subsection (a).

(d) **GAO ANNUAL REPORT.**—The Government Accountability Office shall submit to Congress, beginning in fiscal year 2007, an annual report with its assessment of the progress and effectiveness of the PSI, which shall include an assessment of the measures referred to in subsection (a).

**SEC. 1222. AUTHORITY TO PROVIDE ASSISTANCE TO COOPERATIVE COUNTRIES.**

(a) **IN GENERAL.**—The President is authorized to provide, on such terms as the President considers appropriate, assistance under subsection (b) to any country that cooperates with the United States and with other countries allied with the United States to prevent the transport and transshipment of items of proliferation concern in its national territory or airspace or in vessels under its control or registry.

(b) **TYPES OF ASSISTANCE.**—The assistance authorized under subsection (a) consists of the following:

(1) Assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763).

(2) Assistance under chapters 4 (22 U.S.C. 2346 et seq.) and 5 (22 U.S.C. 2347 et seq.) of part II of the Foreign Assistance Act of 1961.

(3) Drawdown of defense excess defense articles and services under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(c) **CONGRESSIONAL NOTIFICATION.**—Assistance authorized under this section may not be provided until at least 30 days after the date on which the President has provided notice thereof to the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives and the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate, in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1(a)), and has certified to such committees that such assistance will be used in accordance with the requirement of subsection (e) of this section.

(d) **LIMITATION.**—Assistance may be provided to a country under section (a) in no more than three fiscal years.

(e) **USE OF ASSISTANCE.**—Assistance provided under this section shall be used to enhance the capability of the recipient country to prevent the transport and transshipment of items of proliferation concern in its national territory or airspace, or in vessels under its control or registry, including through the development of a legal framework in that country, consistent with any international laws or legal authorities governing the PSI, to enhance such capability by criminalizing proliferation, enacting strict export controls, and securing sensitive materials within its borders, and to enhance the ability of the recipient country to cooperate in operations conducted with other participating countries.

(f) **LIMITATION ON SHIP OR AIRCRAFT TRANSFERS TO UNCOOPERATIVE COUNTRIES.**—Notwithstanding any other provision of law, the United States may not transfer any excess defense article that is a vessel or an aircraft to a country that has not agreed that it will

support and assist efforts by the United States to interdict items of proliferation concern until thirty days after the date on which the President has provided notice of the proposed transfer to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1(a)), in addition to any other requirement of law.

**Subtitle C—Assistance to Accelerate Programs to Prevent Weapons of Mass Destruction Proliferation and Terrorism**

**SEC. 1231. FINDINGS; STATEMENT OF POLICY.**

(a) **FINDINGS.**—Congress is aware that certain United States threat reduction and nonproliferation programs have in past years encountered obstacles to timely obligating and executing the full amount of appropriated funds, and that certain United States threat reduction and nonproliferation programs currently encounter such obstacles and therefore maintain unobligated and uncosted balances. Such obstacles include lack of effective policy guidance, limits on program scope, practical inefficiencies, lack of cooperation with other countries, and lack of effective leadership to overcome such obstacles.

(b) **STATEMENT OF POLICY.**—It shall be the policy of the United States, consistent with the 9/11 Commission's recommendations, to eliminate the obstacles described in subsection (a) with concrete measures, such as those described in this title, to accelerate and strengthen progress on preventing weapons of mass destruction (WMD) proliferation and terrorism. Such measures described in this title include the removal and modification of statutory limits to executing funds, the expansion and strengthening of the PSI, the establishment of the Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism under subtitle D, and the establishment of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism under subtitle E. As a result, Congress intends that any funds authorized to be appropriated to programs for preventing WMD proliferation and terrorism under this section will be executed in a timely manner.

**SEC. 1232. AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE COOPERATIVE THREAT REDUCTION PROGRAM.**

(a) **FISCAL YEAR 2007.**—In addition to any other amounts authorized to be appropriated, there are authorized to be appropriated to the Department of Defense Cooperative Threat Reduction Program such sums as may be necessary for fiscal year 2007 for the following purposes:

(1) Biological weapons proliferation prevention.

(2) Chemical weapons destruction at Shchuch'ye, Russia.

(3) Acceleration, expansion, and strengthening of all CTR activities.

(b) **FUTURE YEARS.**—It is the sense of Congress that in fiscal year 2008 and future fiscal years, the President should accelerate and expand funding for Cooperative Threat Reduction programs administered by the Department of Defense and such efforts should include, beginning upon enactment of this Act, encouraging additional commitments by the Russian Federation and other partner nations, as recommended by the 9/11 Commission.

**SEC. 1233. AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF ENERGY PROGRAMS TO PREVENT WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.**

In addition to any other amounts authorized to be appropriated, there are authorized

to be appropriated to the Department of Energy National Nuclear Security Administration such sums as may be necessary for fiscal year 2007 for programs to prevent weapons of mass destruction (WMD) proliferation and terrorism, to be used as follows:

(1) To accelerate, expand, and strengthen the Global Threat Reduction Initiative (GTRI), with a particular emphasis on—

(A) the Russian research reactor fuel return program;

(B) international radiological threat reduction;

(C) emerging threats and gap material; and

(D) development of quick response and short-term capabilities to secure and remove WMD materials throughout the world.

(2) To accelerate, expand, and strengthen the Nonproliferation and International Security (NIS) program, with a particular emphasis on—

(A) global security and engagement, and cooperation with the People's Republic of China, India, and other states;

(B) activities to address emerging proliferation concerns in North Korea, Iran, and elsewhere;

(C) participation in negotiations regarding North Korea's nuclear programs;

(D) inter-agency participation in the Proliferation Security Initiative (PSI);

(E) technical and other assistance to the International Atomic Energy Agency (IAEA) to support efforts to increase the IAEA's capacity to secure vulnerable WMD materials worldwide and prevent WMD proliferation and terrorism;

(F) efforts to increase United States ability to help states around the world place the "effective controls" on WMD and related materials and technology mandated by United Nations Security Council Resolution 1540 (2004);

(G) cooperation on international safeguards and export controls in South Asia, the Middle East, and other regions;

(H) efforts to strengthen United States commitments to international regimes and agreements; and

(I) establishment of a contingency fund for opportunities to prevent WMD proliferation and terrorism that arise.

(3) To accelerate, expand, and strengthen the International Materials Protection, Control and Accounting (MPC&A) program, with a particular emphasis on—

(A) implementation of physical protection and material control and accounting upgrades at sites;

(B) national programs and sustainability activities in Russia;

(C) material consolidation and conversion (including significant acceleration of the down-blending of highly-enriched uranium to low-enriched uranium, the removal of highly-enriched uranium from facilities, and international participation in these efforts);

(D) efforts to strengthen cooperation with Russia;

(E) implementation of Second Line of Defense Megaports agreements;

(F) implementation of Department of Energy actions under the Security and Accountability for Every Port Act of 2006 (also known as the SAFE Port Act; Public Law 109-347); and

(G) promoting and facilitating worldwide the promulgation of best practices for security of weapons usable and other nuclear materials.

(4) To accelerate, expand, and strengthen the Research and Development program, with a particular emphasis on—

(A) improvement of United States government capability for both short and long-term, and innovative, research and development that addresses emerging WMD proliferation and terrorism concerns and will

maintain United States technological advantage, including the capacity to detect nuclear material origin, uranium enrichment, and plutonium reprocessing; and

(B) efforts to significantly expand the scientific research and development skills and resources available to the Department of Energy's programs to prevent WMD proliferation and terrorism.

**Subtitle D—Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism**

**SEC. 1241. OFFICE OF THE UNITED STATES COORDINATOR FOR THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.**

(a) **ESTABLISHMENT.**—There is established within the Executive Office of the President an office to be known as the "Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism" (in this subtitle referred to as the "Office").

(b) **OFFICERS.**—

(1) **UNITED STATES COORDINATOR.**—The head of the Office shall be the United States Coordinator of the Office (in this subtitle referred to as the "Coordinator").

(2) **DEPUTY UNITED STATES COORDINATOR.**—There shall be a Deputy United States Coordinator of the Office (in this subtitle referred to as the "Deputy Coordinator"), who shall—

(A) assist the Coordinator in carrying out the responsibilities of the Coordinator under this subtitle; and

(B) serve as Acting Coordinator in the absence of the Coordinator and during any vacancy in the office of Coordinator.

(3) **APPOINTMENT.**—The Coordinator and Deputy Coordinator shall be appointed by the President, by and with the advice and consent of the Senate, and shall be responsible on a full-time basis for the duties and responsibilities described in this section.

(4) **LIMITATION.**—No person shall serve as Coordinator or Deputy Coordinator while serving in any other position in the Federal Government.

(c) **DUTIES.**—The responsibilities of the Coordinator shall include the following:

(1) Serving as the advisor to the President on all matters relating to the prevention of weapons of mass destruction (WMD) proliferation and terrorism.

(2) Formulating a comprehensive and well-coordinated United States strategy and policies for preventing WMD proliferation and terrorism, including—

(A) measurable milestones and targets to which departments and agencies can be held accountable;

(B) identification of gaps, duplication, and other inefficiencies in existing activities, initiatives, and programs and the steps necessary to overcome these obstacles;

(C) plans for preserving the nuclear security investment the United States has made in Russia, the former Soviet Union, and other countries;

(D) prioritized plans to accelerate, strengthen, and expand the scope of existing initiatives and programs, which include identification of vulnerable sites and material and the corresponding actions necessary to eliminate such vulnerabilities;

(E) new and innovative initiatives and programs to address emerging challenges and strengthen United States capabilities, including programs to attract and retain top scientists and engineers and strengthen the capabilities of United States national laboratories;

(F) plans to coordinate United States activities, initiatives, and programs relating to the prevention of WMD proliferation and terrorism, including those of the Department of

Energy, Department of Defense, Department of State, and Department of Homeland Security, and including the Proliferation Security Initiative, the G-8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, United Nations Security Council Resolution 1540, and the Global Initiative to Combat Nuclear Terrorism;

(G) plans to strengthen United States commitments to international regimes and significantly improve cooperation with other countries relating to the prevention of WMD proliferation and terrorism, with particular emphasis on work with the international community to develop laws and an international legal regime with universal jurisdiction to enable any state in the world to interdict and prosecute smugglers of WMD material, as recommended by the 9/11 Commission; and

(H) identification of actions necessary to implement the recommendations of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism established under subtitle E of this title.

(3) Leading inter-agency coordination of United States efforts to implement the strategy and policies described in this section.

(4) Conducting oversight and evaluation of accelerated and strengthened implementation of initiatives and programs to prevent WMD proliferation and terrorism by relevant government departments and agencies.

(5) Overseeing the development of a comprehensive and coordinated budget for programs and initiatives to prevent WMD proliferation and terrorism, ensuring that such budget adequately reflects the priority of the challenges and is effectively executed, and carrying out other appropriate budgetary authorities.

(d) STAFF.—The Coordinator may appoint and terminate such personnel as may be necessary to enable the Coordinator to perform his or her duties.

(e) CONSULTATION WITH COMMISSION.—The Office and the Coordinator shall regularly consult with and strive to implement the recommendations of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, established under subtitle E of this title.

(f) ANNUAL REPORT ON STRATEGIC PLAN.—For fiscal year 2009 and each fiscal year thereafter, the Coordinator shall submit to Congress, at the same time as the submission of the budget for that fiscal year under title 31, United States Code, a report on the strategy and policies developed pursuant to subsection (c)(2), together with any recommendations of the Coordinator for legislative changes that the Coordinator considers appropriate with respect to such strategy and policies and their implementation or the Office of the Coordinator.

#### SEC. 1242. REQUEST FOR CORRESPONDING RUSSIAN COORDINATOR.

It is the sense of the Congress that, as soon as practical, the President should personally request the President of the Russian Federation to designate an official of the Russian Federation having authorities and responsibilities for preventing weapons of mass destruction (WMD) proliferation and terrorism commensurate with those of the Coordinator, and with whom the Coordinator should coordinate planning and implementation of activities in the Russian Federation having the purpose of preventing WMD proliferation and terrorism.

### Subtitle E—Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism

#### SEC. 1251. COMMISSION ON THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.

There is established the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (in this subtitle referred to as the “Commission”).

##### SEC. 1252. PURPOSES.

(a) IN GENERAL.—The purposes of the Commission are to—

(1) assess current activities, initiatives, and programs to prevent WMD proliferation and terrorism; and

(2) provide a clear and comprehensive strategy and concrete recommendations for such activities, initiatives, and programs.

(b) IN PARTICULAR.—The Commission shall give particular attention to activities, initiatives, and programs to secure all nuclear weapons-usable material around the world and to significantly accelerate, expand, and strengthen, on an urgent basis, United States and international efforts to prevent, stop, and counter the spread of nuclear weapons capabilities and related equipment, material, and technology to terrorists and states of concern.

##### SEC. 1253. COMPOSITION.

(a) MEMBERS.—The Commission shall be composed of 9 members, of whom—

(1) 3 members shall be appointed by the President;

(2) 2 members shall be appointed by the majority leader of the Senate;

(3) 1 member shall be appointed by the minority leader of the Senate;

(4) 2 members shall be appointed by the Speaker of the House of Representatives; and

(5) 1 member shall be appointed by the minority leader of the House of Representatives.

(b) CO-CHAIRMEN.—The Commission shall have two co-chairmen designated from among the members of the Commission. Of the co-chairmen—

(1) 1 shall be designated by the President; and

(2) 1 shall be designated jointly by the majority leader of the Senate and the Speaker of the House of Representatives.

(c) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed within 90 days of the date of the enactment of this Act.

(d) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(e) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the co-chairmen or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

##### SEC. 1254. RESPONSIBILITIES.

(a) IN GENERAL.—The Commission shall address—

(1) the roles, missions, and structure of all relevant government departments, agencies, and other actors, including the Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism established under subtitle D of this title;

(2) inter-agency coordination;

(3) United States commitments to international regimes and cooperation with other countries; and

(4) the threat of weapons of mass destruction proliferation and terrorism to the United States and its interests and allies, including the threat posed by black-market networks, and the effectiveness of the re-

sponses by the United States and the international community to such threats.

(b) FOLLOW-ON BAKER-CUTLER REPORT.—The Commission shall also reassess, and where necessary update and expand on, the conclusions and recommendations of the report titled “A Report Card on the Department of Energy’s Nonproliferation Programs with Russia” of January 2001 (also known as the “Baker-Cutler Report”) and implementation of such recommendations.

##### SEC. 1255. POWERS.

(a) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subtitle, hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such designate subcommittee or designated member may determine advisable.

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriations Acts, enter into contracts to enable the Commission to discharge its duties under this subtitle.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this subtitle. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the co-chairmen, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission’s functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(e) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

#### SEC. 1256. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

(a) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(b) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the report required under section 1257.

(c) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a

manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

#### SEC. 1257. REPORT.

Not later than 180 days after the appointment of the Commission, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

#### SEC. 1258. TERMINATION.

(a) IN GENERAL.—The Commission, and all the authorities of this subtitle, shall terminate 60 days after the date on which the final report is submitted under section 1257.

(b) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in subsection (a) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its report and disseminating the final report.

### TITLE XIII—NUCLEAR BLACK MARKET COUNTER-TERRORISM ACT

#### SEC. 1301. SHORT TITLE.

This title may be cited as the “Nuclear Black Market Counter-Terrorism Act of 2007”.

#### SEC. 1302. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Foreign Affairs, the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives, and the Committee on Foreign Relations, the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate.

(2) FOREIGN PERSON.—The term “foreign person”—

(A) means any person who is not a citizen or national of the United States or lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act;

(B) includes any foreign corporation, international organization, or foreign government; and

(C) includes, for purposes of subsections (a) and (b) of section 1311, successors, assigns, subsidiaries, and subunits of the person described in subparagraph (A) or (B) (as the case may be), and other business organizations or associations in which that person may be deemed to have a controlling interest.

(3) PERSON.—The term “person”—

(A) means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity, or subsidiary, subunit, or parent entity thereof, and any successor of any such entity; and

(B) in the case of a country where it may be impossible to identify a specific governmental entity referred to in subparagraph (A), means all activities of that government relating to the development or production of any nuclear equipment or technology.

(4) UNITED STATES FOREIGN ASSISTANCE.—The term “United States foreign assistance” means assistance under the foreign operations, export financing, and related programs appropriations Act for a fiscal year, and assistance under the Foreign Assistance Act of 1961.

### Subtitle A—Sanctions for Transfers of Nuclear Enrichment, Reprocessing, and Weapons Technology, Equipment, and Materials Involving Foreign Persons and Terrorists

#### SEC. 1311. AUTHORITY TO IMPOSE SANCTIONS ON FOREIGN PERSONS.

(a) DETERMINATION OF NUCLEAR ACTIVITIES BY FOREIGN PERSONS.—

(1) DETERMINATION.—Notwithstanding any other provision of law, the President shall impose the sanctions described in subsection (b) whenever the President determines that a foreign person, on or after the date of the enactment of this Act, participated in the export, transfer or trade of—

(A) nuclear enrichment or reprocessing equipment, materials, or technology to any non-nuclear-weapon state (as defined in section 102(c) of the Arms Export Control Act) that—

(i) does not possess functioning nuclear enrichment or reprocessing plants as of January 1, 2004; and

(ii) (I) does not have in force an additional protocol with the International Atomic Energy Agency for the application of safeguards (as derived from IAEA document INFCIRC/540 and related corrections and additions); or

(II) is developing, manufacturing, or acquiring a nuclear explosive device; or

(B) any nuclear explosive device, or design information or component, equipment, materials, or other items or technology that—

(i) is designated for national export controls under the Nuclear Supplier Group Guidelines for the Export of Nuclear Material, Equipment and Technology (published by the International Atomic Energy Agency as IAEA document INFCIRC/254/Rev. 6/Part 1 and subsequent revisions) and the Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Materials, Software and Related Technology (published as IAEA document INFCIRC/254/Rev. 5/ Part 2 and subsequent revisions); and

(ii) contributes to the development, manufacture, or acquisition of a nuclear explosive device by—

(I) a non-nuclear weapon state; or

(II) a foreign person.

(2) DEFINITION.—For purposes of paragraph (1), the term “participated” means sold, transferred, brokered, financed, assisted, delivered, or otherwise provided or received, and includes any conspiracy or attempt to engage in any of such activities, as well as facilitating such activities by any other person.

(b) SANCTIONS.—The sanctions referred to in subsection (a) that are to be imposed on a foreign person are the following:

(1) No assistance may be provided to the foreign person under the Foreign Assistance Act of 1961, and the foreign person may not participate in any assistance program of the United States Government. Any such assistance being provided to the foreign person, and any participation in such assistance program by the foreign person, on the date on which the sanction under this paragraph is imposed shall be terminated as of such date.

(2) The United States Government may not export to the foreign person, or grant a license or other approval to export to or import from the foreign person of, any defense articles, defense services, or design or construction services under the Foreign Assistance Act of 1961 or the Arms Export Control Act. Any contract to export such articles or services, or license or approval to export or import, under either such Act, that is in effect on the date on which the sanction under this paragraph is imposed shall be terminated as of such date.

(3) Licenses or any other approval may not be issued for the export to the foreign person

of any goods or technology subject to the jurisdiction of the Export Administration Regulations under chapter VII of title 15, Code of Federal Regulations (or successor regulations), other than food and other agricultural commodities, medicines and medical equipment. Any such license or approval that is in effect on the date on which the sanction under this paragraph is imposed, shall be terminated as of such date.

(4) No department or agency of the United States Government may procure, or enter into any contract for the procurement of, any goods or services from the foreign person. The Secretary of the Treasury shall prohibit the importation into the United States of goods, technology, or services produced or provided by the foreign person, other than information or informational materials within the meaning of section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)).

(c) PERIOD SANCTIONS IN EFFECT.—The sanctions referred to in subsection (b) should be imposed for not less than two years, but may be imposed for longer periods. The President may suspend after one year any sanction imposed pursuant to this section 15 days after submitting to the appropriate congressional committees a report explaining—

(1) the reasons for suspending the sanction;

(2) how the purposes of this title and United States national security are furthered by such suspension; and

(3) what measures the United States will take or is taking to ensure that the foreign person will not engage in similar activities in the future.

(d) WAIVER AUTHORITY.—The President may waive the imposition of any sanction under subsection (b) if the President certifies to the appropriate congressional committees that the waiver—

(1) is important to the national security interests of the United States; and

(2) would further the purposes of this title.

#### SEC. 1312. PRESIDENTIAL NOTIFICATION ON ACTIVITIES OF FOREIGN PERSONS.

(a) REPORTS TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, and not later than January 31 of each year thereafter, the President shall submit to the appropriate congressional committees a report detailing any activity by any foreign person described in section 1311. This report shall also include a description of any sanctions that have been imposed and their duration.

(b) PUBLICATION.—When the President imposes sanctions under section 1311, the President shall, to the maximum extent possible in unclassified form, publish in the Federal Register, not later than 15 days after reporting such sanctions to the appropriate congressional committees under subsection (a), the identity of each sanctioned foreign person, the period for which sanctions will be in effect, and the reasons for the sanctions.

### Subtitle B—Further Actions Against Corporations Associated With Sanctioned Foreign Persons

#### SEC. 1321. FINDINGS.

The Congress finds the following:

(1) Foreign persons and corporations engaging in nuclear black-market activities are motivated by reasons of commercial gain and profit.

(2) Sanctions targeted solely against the business interests of the sanctioned person or business concern may be unsuccessful in halting these proliferation activities, as the sanctions may be seen merely as the cost of doing business, especially if the business interests of the parent or subsidiary corporate entities are unaffected by the sanctions.

(3) Such narrow targeting of sanctions creates the incentive to create shell and “carve-

out" corporate entities to perform the proliferation activities and attract sanctions, leaving all other aspects of the larger corporation unaffected.

(4) To dissuade corporations from allowing their associated commercial entities or persons from engaging in proliferation black-market activities, they must also be made to suffer financial loss and commercial disadvantage, and parent and subsidiary commercial enterprises must be held responsible for the proliferation activities of their associated entities.

(5) If a corporation perceives that the United States Government will do everything possible to make its commercial activity difficult around the world, then that corporation has a powerful commercial incentive to prevent any further proliferation activity by its associated entities.

(6) Therefore, the United States Government should seek to increase the risk of commercial loss for associated corporate entities for the proliferation actions of their subsidiaries.

#### **SEC. 1322. CAMPAIGN BY UNITED STATES GOVERNMENT OFFICIALS.**

The President shall instruct all agencies of the United States Government to make every effort in their interactions with foreign government and business officials to persuade foreign governments and relevant corporations not to engage in any business transaction with a foreign person sanctioned under section 1311, including any entity that is a parent or subsidiary of the sanctioned foreign person, for the duration of the sanctions.

#### **SEC. 1323. COORDINATION.**

The Secretary of State shall coordinate the actions of the United States Government under section 1322.

#### **SEC. 1324. REPORT.**

Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary of State shall report to the appropriate congressional committees on the actions taken by the United States to carry out section 1322.

#### **Subtitle C—Rollback of Nuclear Proliferation Networks**

#### **SEC. 1331. NONPROLIFERATION AS A CONDITION OF UNITED STATES ASSISTANCE.**

United States foreign assistance should only be provided to countries that—

(1) are not cooperating with any non-nuclear-weapon state or any foreign group or individual who may be engaged in, planning, or assisting any international terrorist group in the development of a nuclear explosive device or its means of delivery and are taking all necessary measures to prevent their nationals and other persons and entities subject to their jurisdiction from participating in such cooperation; and

(2) are fully and completely cooperating with the United States in its efforts to eliminate nuclear black-market networks or activities.

#### **SEC. 1332. REPORT ON IDENTIFICATION OF NUCLEAR PROLIFERATION NETWORK HOST COUNTRIES.**

(a) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and annually thereafter, the President shall submit a report to the appropriate congressional committees that—

(A) identifies any country in which manufacturing, brokering, shipment, transshipment, or other activity occurred in connection with the transactions of the nuclear proliferation network that supplied Libya, Iran, North Korea, and possibly other countries or entities; and

(B) identifies any country in which manufacturing, brokering, shipment, trans-

shipment, or other activity occurred for the purpose of supplying nuclear technology, equipment, or material to another country or foreign person that could, in the President's judgment, contribute to the development, manufacture, or acquisition, of a nuclear explosive device by a country or foreign person of concern to the United States

(2) ADDITIONAL INFORMATION.—The report under paragraph (1) shall also include a description of the extent to which each country described in the report is, in the opinion of the President, fully cooperating with the United States in its efforts to eliminate the nuclear proliferation network described in paragraph (1)(A) or stopping the activities described in paragraph (1)(B). The President shall base the determination regarding a country's cooperation with the United States in part on the degree to which the country has satisfied United States requests for assistance and information, including whether the United States has asked and been granted direct investigatory access to key persons involved in the nuclear proliferation network described in paragraph (1)(A) or the activities described in paragraph (1)(B).

(b) CLASSIFICATION.—Reports under this section shall be unclassified to the maximum extent possible.

#### **SEC. 1333. SUSPENSION OF ARMS SALES LICENSES AND DELIVERIES TO NUCLEAR PROLIFERATION HOST COUNTRIES.**

(a) SUSPENSION.—Upon submission of the report and any additional information under section 1332 to the appropriate congressional committees, the President shall suspend all licenses issued under the Arms Export Control Act, and shall prohibit any licenses to be issued under that Act, for exports to, or imports from, any country described in the report, unless the President certifies to the appropriate congressional committees that such country—

(1)(A) has fully investigated or is fully investigating the activities of any person or entity within its territory that has participated in the nuclear proliferation network described in section 1332(a)(1)(A) or the activities described in section 1332(a)(1)(B); and

(B) has taken or is taking effective steps to permanently halt similar illicit nuclear proliferation activities;

(2) has been or is fully cooperating with the United States and other appropriate international organizations in investigating and eliminating the nuclear proliferation network, any successor networks operating within its territory, or other illicit nuclear proliferation activities; and

(3) has enacted or is enacting new laws, promulgated decrees or regulations, or established practices designed to prevent future such activities from occurring within its territory.

(b) WAIVER.—The President may waive the requirements of subsection (a) in a fiscal year if—

(1) the President has certified to the appropriate congressional committees that the waiver is important to the national security of the United States; and

(2) at least 5 days have elapsed since making the certification under paragraph (1).

#### **TITLE XIV—9/11 COMMISSION INTERNATIONAL IMPLEMENTATION**

#### **SEC. 1401. SHORT TITLE; TABLE OF CONTENTS.**

This title may be cited as the "9/11 Commission International Implementation Act of 2007".

#### **Subtitle A—Quality Educational Opportunities in Arab and Predominantly Muslim Countries.**

#### **SEC. 1411. FINDINGS; POLICY.**

(a) FINDINGS.—Congress makes the following findings:

(1) The report of the National Commission on Terrorist Attacks Upon the United States stated that "[e]ducation that teaches tolerance, the dignity and value of each individual, and respect for different beliefs is a key element in any global strategy to eliminate Islamic terrorism".

(2) The report of the National Commission on Terrorist Attacks Upon the United States concluded that ensuring educational opportunity is essential to the efforts of the United States to defeat global terrorism and recommended that the United States Government "should offer to join with other nations in generously supporting [spending funds] ... directly on building and operating primary and secondary schools in those Muslim states that commit to sensibly investing financial resources in public education".

(3) While Congress endorsed such a program in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458), such a program has not been established.

(b) POLICY.—It is the policy of the United States—

(1) to work toward the goal of dramatically increasing the availability of modern basic education through public schools in Arab and predominantly Muslim countries, which will reduce the influence of radical madrassas and other institutions that promote religious extremism;

(2) to join with other countries in generously supporting the International Arab and Muslim Youth Opportunity Fund authorized under section 7114 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by section 1412 of this Act, with the goal of building and operating public primary and secondary schools in Arab and predominantly Muslim countries that commit to sensibly investing the resources of such countries in modern public education;

(3) to offer additional incentives to increase the availability of modern basic education in Arab and predominantly Muslim countries; and

(4) to work to prevent financing of educational institutions that support radical Islamic fundamentalism.

#### **SEC. 1412. INTERNATIONAL ARAB AND MUSLIM YOUTH OPPORTUNITY FUND.**

Section 7114 of the Intelligence Reform and Terrorism Prevention Act of 2004 (22 U.S.C. 2228) is amended to read as follows:

#### **"SEC. 7114. INTERNATIONAL ARAB AND MUSLIM YOUTH OPPORTUNITY FUND.**

"(a) FINDINGS.—Congress finds the following:

"(1) The United Nation's 2003 Arab Human Development Report states that the quantitative expansion of Arab education remains incomplete. The report asserts that high rates of illiteracy, especially among women, persist. Children continue to be denied their basic right to elementary education. Higher education is characterized by decreasing enrollment rates compared to developed countries, and public expenditures on education has declined since 1985.

"(2) The UN report cites the decline in quality as the most significant challenge in the educational arena in Arab countries.

"(3) Researchers argue that curricula taught in Arab countries seem to encourage submission, obedience, subordination, and compliance, rather than free critical thinking.

"(4) Despite major efforts to improve preschool education in some Arab countries, the quality of education provided in kindergartens in the region does not fulfill the requirements for advancing and developing children's capabilities in order to help socialize a creative and innovative generation.

"(5) Many factors in Arab countries adversely affect teachers' capabilities, such as



low salaries (which force educators in to take on other jobs that consume their energy and decrease the time they can devote to caring for their students), lack of facilities, poorly designed curricula, indifferent quality of teacher training, and overcrowded classes.

“(6) Educational attainments in Arab and non-Arab Muslim countries—from literacy rates to mathematical and science achievements—are well below global standards.

“(7) It is estimated that there are 65,000,000 illiterate adult Arabs, and two-thirds of them are women.

“(8) Educational enrollment for Arab countries rose from 31,000,000 children in 1980 to approximately 56,000,000 children in 1995. Yet despite this increase, 10,000,000 children between the ages of 6 and 15 are currently not in school.

“(9) In the Middle East, roughly 10,000,000 children still do not go to school.

“(10) Even though women's access to education has tripled in Arab countries since 1970, gender disparities still persist. Illiteracy in Arab countries affects women disproportionately. Women make up two-thirds of illiterate adults, with most living in rural areas.

“(11) The publication of books and other reading materials in Arab countries faces many major challenges, including the small number of readers due to high rates of illiteracy in some such countries and the weak purchasing power of the Arab reader. The limited readership in Arab countries is reflected in the small number of books published in such countries, which does not exceed 1.1 percent of world production, although Arabs constitute five percent of the world population.

“(12) The nexus between health and education in Arab countries is very strong. Gains in women's education accounted for an estimated 43 percent reduction in child malnutrition between 1970 and 1995. Educated mothers are more likely to better space births, to have adequate prenatal care, and to immunize their children.

“(13) Many educational systems in Arab and non-Arab Muslim countries widen the gap between rich and poor: while rich students attend excellent private schools, poor children receive grossly inadequate schooling.

“(b) PURPOSE.—The purpose of this section is to strengthen the public educational systems in Arab and predominantly Muslim countries by—

“(1) authorizing the establishment of an International Arab and Muslim Youth Educational Fund through which the United States dedicates resources, either through a separate fund or through an international organization, to assist those countries that commit to education reform; and

“(2) providing resources for the Fund to help strengthen the public educational systems in those countries.

“(c) ESTABLISHMENT OF FUND.—

“(1) AUTHORITY.—The President is authorized to establish an International Arab and Muslim Youth Opportunity Fund.

“(2) LOCATION.—The Fund may be established—

“(A) as a separate fund in the Treasury; or

“(B) through an international organization or international financial institution, such as the United Nations Educational, Science and Cultural Organization, the United Nations Development Program, or the International Bank for Reconstruction and Development.

“(3) TRANSFERS AND RECEIPTS.—The head of any department, agency, or instrumentality of the United States Government may transfer any amount to the Fund, and the Fund

may receive funds from private enterprises, foreign countries, or other entities.

“(4) ACTIVITIES OF THE FUND.—The Fund shall support programs described in this paragraph to improve the education environment in Arab and predominantly Muslim countries.

“(A) ASSISTANCE TO ENHANCE MODERN EDUCATIONAL PROGRAMS.—

“(i) The establishment in Arab and predominantly Muslim countries of a program of reform to create a modern education curriculum in the public educational systems in such countries.

“(ii) The establishment or modernization of educational materials to advance a modern educational curriculum in such systems.

“(iii) Teaching English to adults and children.

“(iv) The establishment in Arab and predominantly Muslim countries of programs that enhance accountability, transparency, and interaction on education policy in such countries between the national government and the regional and local governments through improved information sharing and monitoring.

“(v) The establishment in Arab and predominantly Muslim countries of programs to assist in the formulation of administration and planning strategies for all levels of government in such countries, including national, regional, and local governments.

“(vi) The enhancement in Arab and predominantly Muslim countries of community, family, and student participation in the formulation and implementation of education strategies and programs in such countries.

“(B) ASSISTANCE FOR TRAINING AND EXCHANGE PROGRAMS FOR TEACHERS, ADMINISTRATORS, AND STUDENTS.—

“(i) The establishment of training programs for teachers and educational administrators to enhance skills, including the establishment of regional centers to train individuals who can transfer such skills upon return to their countries.

“(ii) The establishment of exchange programs for teachers and administrators in Arab and predominantly Muslim countries and with other countries to stimulate additional ideas and reform throughout the world, including teacher training exchange programs focused on primary school teachers in such countries.

“(iii) The establishment of exchange programs for primary and secondary students in Muslim and Arab countries and with other countries to foster understanding and tolerance and to stimulate long-standing relationships.

“(C) ASSISTANCE TARGETING PRIMARY AND SECONDARY STUDENTS.—

“(i) The establishment in Arab and predominantly Muslim countries of after-school programs, civic education programs, and education programs focusing on life skills, such as inter-personal skills and social relations and skills for healthy living, such as nutrition and physical fitness.

“(ii) The establishment in Arab and predominantly Muslim countries of programs to improve the proficiency of primary and secondary students in information technology skills.

“(D) ASSISTANCE FOR DEVELOPMENT OF YOUTH PROFESSIONALS.—

“(i) The establishment of programs in Arab and predominantly Muslim countries to improve vocational training in trades to help strengthen participation of Muslims and Arabs in the economic development of their countries.

“(ii) The establishment of programs in Arab and predominantly Muslim countries that target older Muslim and Arab youths not in school in such areas as entrepreneurial skills, accounting, micro-finance ac-

tivities, work training, financial literacy, and information technology.

“(E) OTHER TYPES OF ASSISTANCE.—

“(i) The translation of foreign books, newspapers, reference guides, and other reading materials into local languages.

“(ii) The construction and equipping of modern community and university libraries.

“(5) AUTHORIZATION OF APPROPRIATIONS.—

“(A) IN GENERAL.—There is authorized to be appropriated to the President to carry out this section such sums as may be necessary for fiscal years 2008, 2009, and 2010.

“(B) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

“(C) ADDITIONAL FUNDS.—Amounts authorized to be appropriated under subsection (a) shall be in addition to amounts otherwise available for such purposes.

“(6) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this section and annually thereafter, the President shall submit to the appropriate congressional committees a report on United States efforts to assist in the improvement of educational opportunities for Arab and predominantly Muslim children and youths, including the progress made toward establishing the International Arab and Muslim Youth Opportunity Fund.

“(7) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ‘appropriate congressional committees’ means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.”

#### SEC. 1413. ANNUAL REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than June 1 of each year, the Secretary of State shall submit to the appropriate congressional committees a report on the efforts of Arab and predominantly Muslim countries to increase the availability of modern basic education and to close educational institutions that promote religious extremism and terrorism.

(b) CONTENTS.—Each report shall include—

(1) a list of Arab and predominantly Muslim countries that are making serious and sustained efforts to improve the availability of modern basic education and to close educational institutions that promote religious extremism and terrorism;

(2) a list of such countries that are making efforts to improve the availability of modern basic education and to close educational institutions that promote religious extremism and terrorism, but such efforts are not serious and sustained;

(3) a list of such countries that are not making efforts to improve the availability of modern basic education and to close educational institutions that promote religious extremism and terrorism; and

(4) an assessment for each country specified in each of paragraphs (1), (2), and (3) of the role of United States assistance with respect to the efforts made or not made to improve the availability of modern basic education and close educational institutions that promote religious extremism and terrorism.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

**SEC. 1414. EXTENSION OF PROGRAM TO PROVIDE GRANTS TO AMERICAN-SPONSORED SCHOOLS IN ARAB AND PREDOMINANTLY MUSLIM COUNTRIES TO PROVIDE SCHOLARSHIPS.**

(a) FINDINGS.—Congress finds the following:

(1) Section 7113 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Pub. Law 108-458) authorized the establishment of a pilot program to provide grants to American-sponsored schools in Arab and predominantly Muslim countries so that such schools could provide scholarships to young people from lower-income and middle-income families in such countries to attend such schools, where they could improve their English and be exposed to a modern education.

(2) Since the date of the enactment of that section, the Middle East Partnership Initiative has pursued implementation of that program.

(b) EXTENSION OF PROGRAM.—

(1) IN GENERAL.—Section 7113 of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended—

(A) in the section heading—

(i) by striking “PILOT”; and

(ii) by inserting “ARAB AND” before “PREDOMINANTLY MUSLIM”;

(B) in subsection (a)(2), by inserting “Arab and” before “predominantly Muslim”;

(C) in subsection (b), in the matter preceding paragraph (1), by inserting “Arab and” before “predominantly Muslim”;

(D) in subsection (c)—

(i) in the subsection heading, by striking “PILOT”;

(ii) by striking “pilot”; and

(iii) by striking “countries with predominantly Muslim populations” and inserting “Arab and predominantly Muslim countries”;

(E) in subsection (d), by striking “pilot” each place it appears;

(F) in subsection (f)—

(i) by striking “pilot”; and

(ii) by inserting “an Arab or” before “a predominantly Muslim country”;

(G) in subsection (g), in the first sentence—

(i) by inserting “and April 15, 2008,” after “April 15, 2006,”; and

(ii) by striking “pilot”; and

(H) in subsection (h)—

(i) by striking “2005 and 2006” inserting “2007 and 2008”; and

(ii) by striking “pilot”.

(2) CONFORMING AMENDMENT.—Section 1(b) of such Act is amended, in the table of contents, by striking the item relating to section 7113 and inserting after section 7112 the following new item:

“7113. Program to provide grants to American-sponsored schools in Arab and predominantly Muslim countries to provide scholarships.”.

**Subtitle B—Democracy and Development in Arab and Predominantly Muslim Countries**

**SEC. 1421. PROMOTING DEMOCRACY AND DEVELOPMENT IN THE MIDDLE EAST, CENTRAL ASIA, SOUTH ASIA, AND SOUTHEAST ASIA.**

(a) FINDINGS.—Congress finds the following:

(1) Al-Qaeda and affiliated groups have established a terrorist network with linkages throughout the Middle East, Central Asia, South Asia, and Southeast Asia.

(2) While political repression and lack of economic development do not justify terrorism, increased political freedoms, poverty reduction, and broad-based economic growth can contribute to an environment that undercuts tendencies and conditions that facilitate the rise of terrorist organizations.

(3) It is in the national security interests of the United States to promote democracy, the rule of law, good governance, sustainable development, a vigorous civil society, political freedom, protection of minorities, independent media, women's rights, private sector growth, and open economic systems in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia.

(b) POLICY.—It is the policy of the United States to—

(1) promote over the long-term, seizing opportunities whenever possible in the short term, democracy, the rule of law, good governance, sustainable development, a vigorous civil society, political freedom, protection of minorities, independent media, women's rights, private sector growth, and open economic systems in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia;

(2) provide assistance and resources to individuals and organizations in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia that are committed to promoting such objectives and to design strategies in conjunction with such individuals and organizations; and

(3) work with other countries and international organizations to increase the resources devoted to promoting such objectives.

(c) STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to appropriate congressional committees a report with a country-by-country five year strategy to promote the policy of the United States described in subsection (b). Such report shall contain an estimate of the funds necessary to implement such a strategy.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

**SEC. 1422. MIDDLE EAST FOUNDATION.**

(a) PURPOSES.—The purposes of this section are to support, through the provision of grants, technical assistance, training, and other programs, in the countries of the Middle East, the expansion of—

(1) civil society;

(2) opportunities for political participation for all citizens;

(3) protections for internationally recognized human rights, including the rights of women;

(4) educational system reforms;

(5) independent media;

(6) policies that promote economic opportunities for citizens;

(7) the rule of law; and

(8) democratic processes of government.

(b) MIDDLE EAST FOUNDATION.—

(1) DESIGNATION.—The Secretary of State is authorized to designate an appropriate private, nonprofit organization that is organized or incorporated under the laws of the United States or of a State as the Middle East Foundation (referred to in this section as the “Foundation”).

(2) FUNDING.—

(A) AUTHORITY.—The Secretary of State is authorized to provide funding to the Foundation through the Middle East Partnership Initiative of the Department of State. The Foundation shall use amounts provided under this paragraph to carry out the purposes specified in subsection (a), including through making grants and providing other assistance to entities to carry out programs for such purposes.

(B) FUNDING FROM OTHER SOURCES.—In determining the amount of funding to provide

to the Foundation, the Secretary of State shall take into consideration the amount of funds that the Foundation has received from sources other than the United States Government.

(3) NOTIFICATION TO CONGRESSIONAL COMMITTEES.—The Secretary of State shall notify the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate prior to designating an appropriate organization as the Foundation.

(c) GRANTS FOR PROJECTS.—

(1) FOUNDATION TO MAKE GRANTS.—The Secretary of State shall enter into an agreement with the Foundation that requires the Foundation to use the funds provided under subsection (b)(2) to make grants to persons or entities (other than governments or government entities) located in the Middle East or working with local partners based in the Middle East to carry out projects that support the purposes specified in subsection (a).

(2) CENTER FOR PUBLIC POLICY.—Under the agreement described in paragraph (1), the Foundation may make a grant to an institution of higher education located in the Middle East to create a center for public policy for the purpose of permitting scholars and professionals from the countries of the Middle East and from other countries, including the United States, to carry out research, training programs, and other activities to inform public policymaking in the Middle East and to promote broad economic, social, and political reform for the people of the Middle East.

(3) APPLICATIONS FOR GRANTS.—An entity seeking a grant from the Foundation under this section shall submit an application to the head of the Foundation at such time, in such manner, and containing such information as the head of the Foundation may reasonably require.

(d) PRIVATE CHARACTER OF THE FOUNDATION.—Nothing in this section shall be construed to—

(1) make the Foundation an agency or establishment of the United States Government, or to make the officers or employees of the Foundation officers or employees of the United States for purposes of title 5, United States Code; or

(2) to impose any restriction on the Foundation's acceptance of funds from private and public sources in support of its activities consistent with the purposes specified in subsection (a).

(e) LIMITATION ON PAYMENTS TO FOUNDATION PERSONNEL.—No part of the funds provided to the Foundation under this section shall inure to the benefit of any officer or employee of the Foundation, except as salary or reasonable compensation for services.

(f) RETENTION OF INTEREST.—The Foundation may hold funds provided under this section in interest-bearing accounts prior to the disbursement of such funds to carry out the purposes specified in subsection (a), and, only to the extent and in the amounts provided for in advance in appropriations Acts, may retain for use for such purposes any interest earned without returning such interest to the Treasury of the United States.

(g) FINANCIAL ACCOUNTABILITY.—

(1) INDEPENDENT PRIVATE AUDITS OF THE FOUNDATION.—The accounts of the Foundation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The report of the independent audit shall be included in the annual report required by subsection (h).

(2) GAO AUDITS.—The financial transactions undertaken pursuant to this section by the Foundation may be audited by the Government Accountability Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States.

(3) AUDITS OF GRANT RECIPIENTS.—

(A) IN GENERAL.—A recipient of a grant from the Foundation shall agree to permit an audit of the books and records of such recipient related to the use of the grant funds.

(B) RECORDKEEPING.—Such recipient shall maintain appropriate books and records to facilitate an audit referred to in subparagraph (A), including—

(i) separate accounts with respect to the grant funds;

(ii) records that fully disclose the use of the grant funds;

(iii) records describing the total cost of any project carried out using grant funds; and

(iv) the amount and nature of any funds received from other sources that were combined with the grant funds to carry out a project.

(h) ANNUAL REPORTS.—Not later than January 31, 2008, and annually thereafter, the Foundation shall submit to the appropriate congressional committees and make available to the public a report that includes, for the fiscal year prior to the fiscal year in which the report is submitted, a comprehensive and detailed description of—

(1) the operations and activities of the Foundation that were carried out using funds provided under this section;

(2) grants made by the Foundation to other entities with funds provided under this section;

(3) other activities of the Foundation to further the purposes specified in subsection (a); and

(4) the financial condition of the Foundation.

(i) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) MIDDLE EAST.—The term “Middle East” means Algeria, Bahrain, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, United Arab Emirates, West Bank and Gaza, and Yemen.

(j) EXPIRATION OF AUTHORITY.—The authority provided under this section shall expire on September 30, 2017.

(k) REPEAL.—Section 534(k) of Public Law 109-102 is repealed.

**Subtitle C—Restoring United States Moral Leadership**

**SEC. 1431. ADVANCING UNITED STATES INTERESTS THROUGH PUBLIC DIPLOMACY.**

(a) FINDING.—Congress finds that the report of the National Commission on Terrorist Attacks Upon the United States stated that, “Recognizing that Arab and Muslim audiences rely on satellite television and radio, the government has begun some promising initiatives in television and radio broadcasting to the Arab world, Iran, and Afghanistan. These efforts are beginning to reach large audiences. The Broadcasting Board of Governors has asked for much larger resources. It should get them.”

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) The United States needs to improve its communication of information and ideas to

people in foreign countries, particularly in countries with significant Muslim populations.

(2) Public diplomacy should reaffirm the paramount commitment of the United States to democratic principles, including preserving the civil liberties of all the people of the United States, including Muslim-Americans.

(3) A significant expansion of United States international broadcasting would provide a cost-effective means of improving communication with countries with significant Muslim populations by providing news, information, and analysis, as well as cultural programming, through both radio and television broadcasts.

(c) SPECIAL AUTHORITY FOR SURGE CAPACITY.—The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by adding at the end the following new section:

**“SEC. 316. SPECIAL AUTHORITY FOR SURGE CAPACITY.**

**“(a) EMERGENCY AUTHORITY.—**

**“(1) IN GENERAL.—**Whenever the President determines it to be important to the national interests of the United States and so certifies to the appropriate congressional committees, the President, on such terms and conditions as the President may determine, is authorized to direct any department, agency, or other governmental entity of the United States to furnish the Broadcasting Board of Governors with the assistance of such department, agency, or entity based outside the United States as may be necessary to provide international broadcasting activities of the United States with a surge capacity to support United States foreign policy objectives during a crisis abroad.

**“(2) SUPERSEDES EXISTING LAW.—**The authority of paragraph (1) shall supersede any other provision of law.

**“(3) SURGE CAPACITY DEFINED.—**In this subsection, the term ‘surge capacity’ means the financial and technical resources necessary to carry out broadcasting activities in a geographical area during a crisis abroad.

**“(b) AUTHORIZATION OF APPROPRIATIONS.—**

**“(1) IN GENERAL.—**There are authorized to be appropriated to the President such sums as may be necessary for the President to carry out this section, except that no such amount may be appropriated which, when added to amounts previously appropriated for such purpose but not yet obligated, would cause such amounts to exceed \$25,000,000.

**“(2) AVAILABILITY OF FUNDS.—**Amounts appropriated pursuant to the authorization of appropriations in this subsection are authorized to remain available until expended.

**“(3) DESIGNATION OF APPROPRIATIONS.—**Amounts appropriated pursuant to the authorization of appropriations in this subsection may be referred to as the ‘United States International Broadcasting Surge Capacity Fund’.

**“(c) REPORT.—**The annual report submitted to the President and Congress by the Broadcasting Board of Governors under section 305(a)(9) shall provide a detailed description of any activities carried out under this section.

**“(d) AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES.—**

**“(1) IN GENERAL.—**In addition to amounts otherwise available for such purposes, there are authorized to be appropriated such sums as may be necessary to carry out United States Government broadcasting activities under this Act, including broadcasting capital improvements, the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.), and the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted in division G of the Omnibus

Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105-277), and to carry out other authorities in law consistent with such purposes.

**“(2) AVAILABILITY OF FUNDS.—**Amounts appropriated pursuant to the authorization of appropriations in this section are authorized to remain available until expended.”

**SEC. 1432. EXPANSION OF UNITED STATES SCHOLARSHIP, EXCHANGE, AND LIBRARY PROGRAMS IN ARAB AND PREDOMINANTLY MUSLIM COUNTRIES.**

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act and every 180 days thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the recommendations of the National Commission on Terrorist Attacks Upon the United States and the policy goals described in section 7112 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) for expanding United States scholarship, exchange, and library programs in Arab and predominantly Muslim countries. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to paragraph (1) of such subsection.

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on whether the recommendations referred to in subsection (a) have been implemented and whether the policy goals described in section 7112 of the Intelligence Reform and Terrorism Prevention Act of 2004 have been achieved.

(d) DEFINITION.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs and the Committee on Oversight and Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

**SEC. 1433. UNITED STATES POLICY TOWARD DE-TAINEES.**

(a) FINDINGS.—Congress finds the following:

(1) The National Commission on Terrorist Attacks Upon the United States (commonly referred to as the “9/11 Commission”) declared that the United States “should work with friends to develop mutually agreed-on principles for the detention and humane treatment of captured international terrorists who are not being held under a particular country’s criminal laws” and recommended that the United States engage our allies “to develop a common coalition

approach toward the detention and humane treatment of captured terrorists", drawing from Common Article 3 of the Geneva Conventions.

(2) Congress has passed several provisions of law that have changed United States standards relating to United States detainees, but such provisions have not been part of a common coalition approach in this regard.

(3) A number of investigations remain ongoing by countries who are close United States allies in the war on terrorism regarding the conduct of officials, employees, and agents of the United States and of other countries related to conduct regarding detainees.

(b) REPORT; CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act and every 180 days thereafter, the Secretary of State, in consultation with the Attorney General and the Secretary of Defense, shall submit to the relevant congressional committees a report on any progress towards implementing the recommendations of the 9/11 Commission for engaging United States allies to develop a common coalition approach, in compliance with Common Article 3 of the Geneva Conventions, toward the detention and humane treatment of individuals detained during Operation Iraqi Freedom, Operation Enduring Freedom, or in connection with United States counterterrorist operations. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress that the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(c) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to subsection (a)(1).

(d) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in such subsection have been achieved.

(e) DEFINITION.—In this section, the term "relevant congressional committees" means—

(1) with respect to the House of Representatives, the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Oversight and Government Reform, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence; and

(2) with respect to the Senate, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence.

## Subtitle D—Strategy for the United States Relationship With Afghanistan, Pakistan, and Saudi Arabia

### SEC. 1441. AFGHANISTAN.

(a) STATEMENTS OF POLICY.—The following shall be the policies of the United States:

(1) The United States shall vigorously support the Government of Afghanistan as it continues on its path toward a broad-based, pluralistic, multi-ethnic, gender-sensitive, and fully representative government in Afghanistan and shall maintain its long-term commitment to the people of Afghanistan by increased assistance and the continued deployment of United States troops in Afghanistan as long as the Government of Afghanistan supports such United States involvement.

(2) In order to reduce the ability of the Taliban and Al-Qaeda to finance their operations through the opium trade, the President shall engage aggressively with the Government of Afghanistan and our NATO partners, and in consultation with Congress, to assess the success of the Afghan counter-narcotics strategy in existence as of December 2006 and to explore all additional options for addressing the narcotics crisis in Afghanistan, including possible changes in rules of engagement for NATO and Coalition forces for participation in actions against narcotics trafficking and kingpins.

(b) STATEMENT OF CONGRESS.—Congress strongly urges that the Afghanistan Freedom Support Act of 2002 be reauthorized and updated to take into account new developments in Afghanistan and in the region so as to demonstrate the continued support by the United States for the people and Government of Afghanistan.

(c) EMERGENCY INCREASE IN POLICING OPERATIONS.—

(1) IN GENERAL.—The President shall make every effort, on an emergency basis, to dramatically increase the numbers of United States and international police trainers, mentors, and police personnel operating in conjunction with Afghanistan civil security forces and shall increase efforts to assist the Government of Afghanistan in addressing the corruption crisis that is threatening to undermine Afghanistan's future.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act and every six months thereafter until September 31, 2010, the President shall submit to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report on United States efforts to fulfill the requirements of this subsection.

(d) EMERGENCY ENERGY ASSISTANCE.—

(1) FINDING.—Congress finds that short-term shortages of energy may destabilize the Government of Afghanistan and undermine the ability of President Karzai to carry out critically needed reforms.

(2) AUTHORIZATION OF ASSISTANCE.—The President is authorized to provide assistance for the acquisition of emergency energy resources, including diesel fuel, to secure the delivery of electricity to Kabul, Afghanistan, and other major Afghan provinces and cities.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President to carry out paragraph (2) such sums as may be necessary for each of fiscal years 2008 and 2009.

### SEC. 1442. PAKISTAN.

(a) FINDINGS.—Congress finds the following:

(1) Since September 11, 2001, the Government of Pakistan has been an important partner in helping the United States remove the Taliban regime in Afghanistan and com-

bating international terrorism in the frontier provinces of Pakistan.

(2) There remain a number of critical issues that threaten to disrupt the relationship between the United States and Pakistan, undermine international security, and destabilize Pakistan, including—

(A) curbing the proliferation of nuclear weapons technology;

(B) combating poverty and corruption;

(C) building effective government institutions, especially secular public schools;

(D) promoting democracy and the rule of law, particularly at the national level;

(E) addressing the continued presence of Taliban and other violent extremist forces throughout the country;

(F) maintaining the authority of the Government of Pakistan in all parts of its national territory;

(G) securing the borders of Pakistan to prevent the movement of militants and terrorists into other countries and territories; and

(H) effectively dealing with Islamic extremism.

(b) STATEMENTS OF POLICY.—The following shall be the policies of the United States:

(1) To work with the Government of Pakistan to combat international terrorism, especially in the frontier provinces of Pakistan, and to end the use of Pakistan as a safe haven for forces associated with the Taliban.

(2) To establish a long-term strategic partnership with the Government of Pakistan to address the issues described in subparagraphs (A) through (H) of subsection (a)(2).

(3) To dramatically increase funding for programs of the United States Agency for International Development and the Department of State that assist the Government of Pakistan in addressing such issues, if the Government of Pakistan demonstrates a commitment to building a moderate, democratic state, including significant steps towards free and fair parliamentary elections in 2007.

(4) To work with the international community to secure additional financial and political support to effectively implement the policies set forth in this subsection and help to resolve the dispute between the Government of Pakistan and the Government of India over the disputed territory of Kashmir.

(c) STRATEGY RELATING TO PAKISTAN.—

(1) REQUIREMENT FOR REPORT ON STRATEGY.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report, in classified form if necessary, that describes the long-term strategy of the United States to engage with the Government of Pakistan to address the issues described in subparagraphs (A) through (F) of subsection (a)(2) and carry out the policies described in subsection (b) in order to accomplish the goal of building a moderate, democratic Pakistan.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection the term "appropriate congressional committees" means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(d) LIMITATION ON UNITED STATES SECURITY ASSISTANCE TO PAKISTAN.—

(1) LIMITATION.—

(A) IN GENERAL.—For fiscal years 2008 and 2009, United States assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) or section 23 of the Arms Export Control Act (22 U.S.C. 2763) may not be provided to, and a license for any item controlled under the Arms Export Control Act (22 U.S.C. 2751 et seq.) may not be approved for, Pakistan until 15 days after

the date on which President determines and certifies to the appropriate congressional committees that the Government of Pakistan is making all possible efforts to prevent the Taliban from operating in areas under its sovereign control, including in the cities of Quetta and Chaman and in the Northwest Frontier Province and the Federally Administered Tribal Areas.

(B) **FORM.**—The certification required by subparagraph (A) shall be transmitted in unclassified form, but may contain a classified annex.

(2) **WAIVER.**—The President may waive the limitation on assistance under paragraph (1) for a fiscal year if the President determines and certifies to the appropriate congressional committees that it is important to the national security interest of the United States to do so.

(3) **SUNSET.**—The limitation on assistance under paragraph (1) shall cease to be effective beginning on the date on which the President determines and certifies to the appropriate congressional committees that the Taliban, or any related successor organization, has ceased to exist as an organization capable of conducting military, insurgent, or terrorist activities in Afghanistan from Pakistan.

(4) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this subsection, the term “appropriate congressional committees” means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(e) **NUCLEAR PROLIFERATION.**—

(1) **FINDING.**—Congress finds that Pakistan’s maintenance of a network for the proliferation of nuclear and missile technologies would be inconsistent with Pakistan being considered an ally of the United States.

(2) **SENSE OF CONGRESS.**—It is the sense of Congress that the national security interest of the United States will best be served if the United States develops and implements a long-term strategy to improve the United States relationship with Pakistan and works with the Government of Pakistan to stop nuclear proliferation.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to the President for providing assistance for Pakistan for fiscal year 2008—

(A) for “Development Assistance”, such sums as may be necessary to carry out the provisions of sections 103, 105, and 106 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a, 2151c, and 2151d.);

(B) for the “Child Survival and Health Programs Fund”, such sums as may be necessary to carry out the provisions of sections 104 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b);

(C) for the “Economic Support Fund”, such sums as may be necessary to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.);

(D) for “International Narcotics Control and Law Enforcement”, such sums as may be necessary to carry out the provisions of chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.);

(E) for “Nonproliferation, Anti-Terrorism, Demining and Related Programs”, such sums as may be necessary;

(F) for “International Military Education and Training”, such sums as may be necessary to carry out the provisions of chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.); and

(G) for “Foreign Military Financing Program”, such sums as may be necessary to carry out the provisions of section 23 of the Arms Export Control Act (22 U.S.C. 2763).

(2) **OTHER FUNDS.**—Amounts authorized to be appropriated under this subsection are in addition to amounts otherwise available for such purposes.

(g) **EXTENSION OF WAIVERS.**—

(1) **AMENDMENTS.**—The Act entitled “An Act to authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes”, approved October 27, 2001 (Public Law 107-57; 115 Stat. 403), is amended—

(A) in section 1(b)—

(i) in the heading, to read as follows:

“(b) FISCAL YEARS 2007 AND 2008.”; and

(ii) in paragraph (1), by striking “any provision” and all that follows through “that prohibits” and inserting “any provision of the foreign operations, export financing, and related programs appropriations Act for fiscal year 2007 or 2008 (or any other appropriations Act) that prohibits”;

(B) in section 3(2), by striking “Such provision” and all that follows through “as are” and inserting “Such provision of the annual foreign operations, export financing, and related programs appropriations Act for fiscal years 2002 through 2008 (or any other appropriations Act) as are”;

(C) in section 6, by striking “the provisions” and all that follows and inserting “the provisions of this Act shall terminate on October 1, 2008.”.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) take effect on October 1, 2006.

(3) **SENSE OF CONGRESS.**—It is the sense of Congress that determinations to provide extensions of waivers of foreign assistance prohibitions with respect to Pakistan pursuant to Public Law 107-57 for fiscal years after the fiscal years specified in the amendments made by paragraph (1) to Public Law 107-57 should be informed by the pace of democratic reform, extension of the rule of law, and the conduct of the parliamentary elections currently scheduled for 2007 in Pakistan.

#### SEC. 1443. SAUDI ARABIA.

(a) **FINDINGS.**—Congress finds the following:

(1) The Kingdom of Saudi Arabia has an uneven record in the fight against terrorism, especially with respect to terrorist financing, support for radical madrassas, and a lack of political outlets for its citizens, that poses a threat to the security of the United States, the international community, and the Kingdom of Saudi Arabia itself.

(2) The United States has a national security interest in working with the Government of Saudi Arabia to combat international terrorists who operate within Saudi Arabia or who operate outside Saudi Arabia with the support of citizens of Saudi Arabia.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that, in order to more effectively combat terrorism, the Government of Saudi Arabia must undertake and continue a number of political and economic reforms, including increasing anti-terrorism operations conducted by law enforcement agencies, providing more political rights to its citizens, increasing the rights of women, engaging in comprehensive educational reform, enhancing monitoring of charitable organizations, promulgating and enforcing domestic laws, and regulation on terrorist financing.

(c) **STATEMENTS OF POLICY.**—The following shall be the policies of the United States:

(1) To engage with the Government of Saudi Arabia to openly confront the issue of terrorism, as well as other problematic issues, such as the lack of political freedoms, with the goal of restructuring the relationship on terms that leaders of both countries can publicly support.

(2) To enhance counterterrorism cooperation with the Government of Saudi Arabia, if the political leaders of such government are committed to making a serious, sustained effort to combat terrorism.

(3) To support the efforts of the Government of Saudi Arabia to make political, economic, and social reforms throughout the country.

(d) **STRATEGY RELATING TO SAUDI ARABIA.**—

(1) **REQUIREMENT FOR REPORT ON STRATEGY.**—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report, in classified form if necessary, that describes the progress on the Strategic Dialogue (established by President George W. Bush and Crown Prince (now King) Abdullah in April 2005) between the United States and Saudi Arabia, including the progress made in such Dialogue toward implementing the long-term strategy of the United States to—

(A) engage with the Government of Saudi Arabia to facilitate political, economic, and social reforms that will enhance the ability of the Government of Saudi Arabia to combat international terrorism; and

(B) work with the Government of Saudi Arabia to combat terrorism, including through effective prevention of the financing of terrorism by Saudi institutions and citizens.

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this subsection the term “appropriate congressional committees” means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

#### GENERAL LEAVE

Mr. THOMPSON of Mississippi. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER. Pursuant to section 507 of House Resolution 6, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from New York (Mr. KING) each will control 90 minutes.

The Chair recognizes the gentleman from Mississippi, chairman of the Homeland Security Committee.

□ 1300

Mr. THOMPSON of Mississippi. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we are here today considering this bill for one reason: To protect America from terrorism and from those who advocate hate and violence against our Nation and its values.

Let’s be clear. The bill before us today does not contain Democratic or Republican ideas on how to protect our Nation. It contains American ideas.

Madam Speaker, it contains ideas formulated by the 9/11 Commission, a bipartisan group of Americans chosen for their wisdom, expertise and love of country; Americans who we tasked to tell us what happened on September 11,

2001, and how to avoid it happening again. That is why we are here today.

I hope my colleagues will put rhetoric and political games aside to do right by the American people, to do right by those whose lives were affected by 9/11, including those whose memories we honor.

I have heard and read a lot of excuses about fulfilling the recommendations, Madam Speaker. On one hand, many of my colleagues across the aisle have publicly said for months they already fulfilled the recommendations.

In the past week they have accused the Democratic leadership of presenting a bill that doesn't fulfill the recommendation and leaves gaps.

Madam Speaker, I am a bit baffled. Did the Republicans fulfill or not fulfill the recommendations? I think we all know the answer, and that is why we are here today.

To those who want to point out alleged gaps in the 9/11 bill, I say, we can do better than the past. Here is a chance for Congress to stop dragging its feet, to become the "do something" Congress. We can stand around complaining and pointing fingers, or we can finally do the job we are here and hired to do.

There is an old Irish proverb that says, "You will never plow the field if you only turn it over in your mind."

Congress has spent 5 years turning over the 9/11 recommendations in its mind. On the topics covered by this legislation, we have seen bills introduced, amendments offered, hearings held, and investigative reports written.

Don't be fooled by those who say that this bill is moving too quickly. It has been 5 years since 9/11. It has been 3 years since the 9/11 Commission issued its report.

Now is the time, Mr. Speaker, to plow the field. Now is the time to act on the 9/11 recommendations. The 9/11 Commission has told us that we must provide Homeland Security grants to States and cities based on risk, not a pork barrel formula. This bill meets that recommendation.

The 9/11 Commission told us many more people could die after a terrorist attack or natural disaster if police, fire fighters and paramedics can't communicate with each other.

Today, we will create a dedicated grant program to ensure State and local first responders have communication systems that talk to one another.

The 9/11 commissioners told us that more than 5 years after the hijacked planes flew into our national landmarks, our aviation system is still not secure enough.

We still do not spend our money cost-effectively to screen checked baggage. Airport checkpoints are not equipped with the most modern technologies, like those needed to detect liquid explosives, and cargo that is stored under a passenger's seat is still not adequately inspected.

This bill extends funding for advanced baggage screening and creates a

novel new trust fund to strengthen checkpoint security.

Perhaps more importantly, Mr. Speaker, this bill requires TSA to create a system of inspections to ensure that 100 percent of the cargo shipped on passenger planes is screened within 3 years.

TSA will do this through a system that uses equipment, technology, canines, inspectors and other means to ensure that the level of security provided for air cargo is equivalent to the level of security for checked baggage.

This bill also requires all cargo containers carried on ships to be scanned and sealed before they leave for an American port. The scanning requirement in this bill are put in place within a reasonable time frame, 3 years for large ports and 5 years for smaller ports.

This bill takes other key steps to fulfill the 9/11 Commission's recommendations, such as strengthening critical infrastructure security and improving private sector preparedness.

Perhaps more importantly, this bill will create a strong independent Privacy and Civil Liberties Board. It will also strengthen the authority of privacy officers in Federal agencies.

We all know that securing our Nation will be of little use if we lose our way of life. Our commitment to privacy and individual freedom is in this process.

For too long, Mr. Speaker, many in this House have talked about strengthening Homeland Security. But they are unwilling to pay the necessary price or confront the waste and White House mismanagement.

Now is the time, Mr. Speaker, to put action into words. Supporting the 9/11 Commission Fulfillment Act today will do just that.

Mr. Speaker, I reserve the balance of my time.

#### PURPOSE AND SUMMARY

The purpose of H.R. 1 is to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States.

#### BACKGROUND AND NEED FOR LEGISLATION

The National Commission on Terrorist Attacks Upon the United States (also known as the 9/11 Commission) produced an independent and comprehensive report evaluating the events and implications of the terrorist attacks that occurred on September 11, 2001. Included in the report were 41 recommendations on how to prevent such an attack from occurring again. As of the conclusion of the 109th Congress, not all of those recommendations had been fulfilled. Consequently, the United States remains unprepared for a major emergency of that kind. Hurricanes Katrina and Rita's destruction of the Gulf Coast region further emphasized American vulnerability to national disasters, whether they are caused by nature or terrorism.

In addition to the report, several members of the 9/11 Commission participated in the "9/11 Public Discourse Project," which issued a series of report cards evaluating and ultimately grading the federal government's progress on executing the Commission's recommendations as they related to national security and pre-

paredness. The final report card, issued on December 5, 2005, gave an alarming number of failing or nearly failing grades to key aspects of the government's policies, procedures, and operations.

Areas that received failing grades included interoperable communications for first responders, risk-based homeland security funding, and airline passenger screening, all of which are addressed by H.R. 1. Nearly-failing grades (D's) were used to describe the government's progress toward realistic assessment of critical infrastructure, checked bag and cargo screening for passenger aircraft, providing incentives for information sharing, encouraging government-wide information sharing, creating a meaningful Privacy and Civil Liberties Oversight Board, a maximum effort to prevent terrorist from acquiring weapons of mass destruction, cultivating international scholarship and exchange programs with Arab and predominantly Muslim countries, and thoughtful examination of the role played by Saudi Arabia in the international community.

By enacting provisions that address key recommendations from the 9/11 Commission, H.R. 1 will make the United States more secure, closing many of the security and preparedness gaps mentioned above that keep Americans vulnerable to future national emergencies.

#### HEARINGS

This bill reflects the findings of many oversight hearings that have taken place since the 9/11 Commission issued its recommendations in 2004.

On February 10, 2005, the Subcommittee on Emergency Preparedness, Science, and Technology held a hearing titled, "The Proposed Fiscal Year 2006 Budget: Enhancing Terrorism Preparedness for First Responders."

On February 16, 2005, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing titled, "The Proposed Fiscal Year 2006 Budget: Building the Information Analysis Capabilities of DHS."

On March 15, 2005, the Subcommittee on Prevention of Nuclear and Biological Attack held a hearing titled, "Nuclear Terrorism: Protecting the Homeland." Witnesses included Charles E. McQueary, Under Secretary for Science and Technology, Department of Homeland Security; Paul McHale, Assistant Secretary for Homeland Defense, Department of Defense; Paul M. Longworth, Deputy Administrator for Defense Nuclear Proliferation, Department of Energy; and Willie T. Hulon, Assistant Director for Counterterrorism, FBI.

On April 12, 2005, the Subcommittee on Emergency Preparedness, Science, and Technology held a hearing titled, "The Need for Grant Reform and the Faster and Smarter Funding for First Responders Act of 2005."

On April 19, 2005, the Subcommittee on Prevention of Nuclear and Biological Attack held a hearing titled, "DHS Coordination of Nuclear Detection Efforts." Witnesses included Vayl Oxford, Acting Director of the DNDO; Dr. Fred Ikle, Center for Strategic and International Studies; Dr. Graham Allison, Director, Belfer Center for Science and International Affairs, John F. Kennedy School of Government, Harvard University; and Col. Randy Larson, USAF (Ret.) CEO, Homeland Security Associates.



On May 26, 2005, the Subcommittee on Prevention of Nuclear and Biological Attack held a hearing titled, "Building A Nuclear Bomb: Identifying Early Indicators of Terrorist Activity." Witnesses included the Honorable Ronald F. Lehman, Director for Global Security Research, Lawrence Livermore National Laboratory; Mr. David Albright, President, Institute for Science and International Security; and Ms. Laura Holgate, Vice President for Russia/New Independent States, Nuclear Threat Initiative.

On June 21, 2005, the Subcommittee on Prevention of Nuclear and Biological Attack held a hearing titled, "Detecting Nuclear Weapons and Radiological Materials: How Effective Is Available Technology?" Witnesses included Mr. Gene Aloise, Director, Natural Resources and Environment, GAO; Dr. Richard L. Wagner, Chair, Defense Science Board Task Force on Prevention of and Defense Against Clandestine Nuclear Attack, Senior Staff Member Los Alamos National Laboratory; and Ms. Bethann Rooney, Security Director, Port Authority of New York & New Jersey, among others.

On June 22, 2005, the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a hearing titled, "Ensuring the Security of America's Borders through the Use of Biometric Passports and Other Identity Documents." Testimony was received from Department of Homeland Security and State Department officials.

On June 28, 2005, the Subcommittee on Prevention of Nuclear and Biological Attack held a hearing titled, "Pathways to the Bomb: Security of Fissile Materials Abroad."

On July 13, 2005, the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a hearing titled, "Leveraging Technology to Improve Aviation Security." Members took testimony from industry stakeholders, including firms with checkpoint technologies that show promise at detecting explosives at TSA checkpoints.

On July 19, 2005, the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a hearing titled, "Leveraging Technology to Improve Aviation Security, Part II." Testimony was received from Cliff Wilke, the TSA Chief Technology Officer.

On July 20, 2005, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing titled, "A Progress Report on Information Sharing for Homeland Security."

On September 8, 2005, the Subcommittee on Prevention of Nuclear and Biological Attack held a hearing titled, "WMD Terrorism and Proliferant States." Witnesses included Ray Takeyh, Senior Fellow, Middle Eastern Studies, Council on Foreign Relations; Dr. Daniel Byman, Director, Center for Peace and Security Studies, Georgetown University; and Gregory Giles, National Security Consultant, Hicks and Associates.

On September 22, 2005, the Subcommittee on Prevention of Nuclear and Biological Attack held a hearing titled, "Trends in the Movement of Illicit of Nuclear Materials."

On September 29, 2005, the Subcommittee on Emergency Preparedness, Science, and Technology held a hearing titled, "Incident Command, Control, and Communications during Catastrophic Events."

On October 19, 2005, the full Committee held a hearing titled, "Federalism and Disaster

Response: Examining the Roles and Responsibilities of Local, State, and Federal Agencies." The Committee heard testimony from the governors of Arizona, Texas and Florida, as well as three local elected officials.

On October 26, 2005, the Subcommittee on Emergency Preparedness, Science, and Technology held a hearing titled, "Ensuring Operability During Catastrophic Events." The Subcommittee heard testimony from Dr. David Boyd, Director of project SAFECOM at the Department of Homeland Security.

On November 8, 2005, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing titled, "Federal Support for Homeland Security Information Sharing: The Role of the Information Sharing Program Manager."

On November 17, 2005, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing titled, "Terrorism Risk Assessment at the Department of Homeland Security."

On November 17, 2005, the Subcommittee on Prevention of Nuclear and Biological Attack held a hearing titled, "International Efforts to Promote Nuclear Security." Witnesses included Jerry Paul, Principal Deputy Administrator, Acting Deputy Administrator for Nonproliferation Programs, National Nuclear Security Administration, Department of Energy, and Stephen Rademaker, Acting Assistant Secretary, Bureau of International Security and Nonproliferation, Department of State.

On February 8, 2006, the Subcommittee on Prevention of Nuclear and Biological Attack and the Subcommittee on Emergency Preparedness, Science, and Technology held a joint hearing titled, "Protecting the Homeland: Fighting Pandemic Flu from the Front Lines."

On February 15, 2006, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing titled, "The President's Proposed Fiscal Year 2007 Budget for the Department of Homeland Security: The Office of Intelligence and Analysis."

On February 15, 2006, the Subcommittee on Emergency Preparedness, Science, and Technology held a hearing titled, "The State of Interoperable Communications: Perspectives from the Field."

On March 1, 2006, the Subcommittee on Emergency Preparedness, Science, and Technology held a hearing titled, "The State of Interoperable Communications: Perspectives from State and Local Government."

On March 8, 2006, the Subcommittee on Emergency Preparedness, Science, and Technology held a hearing titled, "Proposed Fiscal Year 2007 Budget: Enhancing Preparedness for First Responders."

On March 8, 2006, the Subcommittee on Management, Integration, and Oversight held a hearing titled, "The 9/11 Reform Act: Examining the Implementation of the Human Smuggling and Trafficking Center."

On April 6, 2006 and May 10, 2006, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held hearings titled, "Protection of Privacy in the DHS Intelligence Enterprise."

On April 12, 2006, the Committee held a field hearing titled, "Emergency Planning and Preparedness: Federal, State, and Local Coordination."

On April 25, 2006, the Subcommittee on Emergency Preparedness, Science, and Technology held a hearing titled, "The State of

Interoperable Communications: Perspectives on Federal Coordination of Grants, Standards, and Technology." The Subcommittee heard testimony from two panels. The first panel consisted of the principal Federal agencies that are responsible for coordinating Federal communication systems with state and local jurisdictions. The second panel included Federal and non-governmental entities that develop the standards and examined the impact of technology in the area of interoperable/emergency communication.

On May 24, 2006, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing titled, "Examining the Progress of the DHS Chief Intelligence Officer." The Subcommittee heard testimony from Mr. Charles Allen, the Chief Intelligence Officer at the Department of Homeland Security.

On May 25, 2006, the Subcommittee on Prevention of Nuclear and Biological Attack held a hearing titled, "Preventing Nuclear Smuggling: Enlisting Foreign Cooperation." Witnesses included Mr. Vail Oxford, Director, Domestic Nuclear Detection Office, Department of Homeland Security; Mr. Jayson Ahearn, Assistant Commissioner for Field Operations, Customs and Border Protection, Department of Homeland Security; Mr. David Huizenga, Assistant Deputy Administrator for International Materials Protection, Control and Accounting, National Nuclear Security Administration, Department of Energy; and Mr. Frank Record, Acting Assistant Secretary of State for International Security and Nonproliferation, Department of State.

On June 15, 2006, the full Committee held a hearing titled, "DHS Terrorism Preparedness Grants: Risk-Based or Guess-Work."

On June 22, 2006, the Subcommittee on Prevention of Nuclear and Biological Attack held a hearing titled, "International Efforts to Promote Nuclear Security." Witnesses included Mr. Jerry Paul, Principal Deputy Administrator, Acting Deputy Administrator for Nonproliferation Programs, National Nuclear Security Administration, Department of Energy; Mr. Frank Record, Acting Assistant Secretary, Bureau of International Security and Nonproliferation, Department of State; and Mr. Jack David, Deputy Assistant Secretary of Defense for International Security Policy, Office of the Secretary, Department of Defense, among others.

On June 28, 2006, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing titled, "DHS Intelligence and Border Security: Delivering Operational Intelligence."

On July 26, 2006, the Subcommittee on Emergency Preparedness, Science, and Technology held a hearing titled, "Emergency Care Crisis: A Nation Unprepared for Public Health Disasters."

On September 7, 2006, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing titled, "State and Local Fusion Centers and the Role of DHS."

On September 13, 2006, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing titled, "The Homeland Security Information Network: An Update on DHS Information Sharing Efforts." The Subcommittee heard testimony from the Inspector General of the Department of Homeland Security.

## STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

The purpose of H.R. 1, the “Implementing the 9/11 Commission Recommendations Act of 2007,” is to strengthen national security and emergency preparedness efforts by enacting recommendations made by the National Commission on Terrorist Attacks Upon the United States (also known as the 9/11 Commission) in their comprehensive report on the terrorist attacks of September 11, 2001.

## INFORMAL BUDGET ESTIMATE

While there was no formal analysis from the Congressional Budget Office, it is estimated that with respect to Titles I through XI—those titles that fall within the jurisdiction of the Committee on Homeland Security—the only sections that would affect net direct spending are sections 402 and 403.

Section 402, which would extend provisions related to the Aviation Security Capital Fund through 2011, would have no net cost over time. That provision would receive credit for triggering collection of the first \$250 million in passenger fees, which would offset the cost of subsequent spending.

Section 403, which creates a new \$250 million checkpoint screening improvement fund for fiscal year 2008 that is funded through the Aviation Security Capital Fund, would have no net overall cost, although it would mean that the amount available to offset TSA’s 2008 appropriation for aviation security would be reduced by \$250 million.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Constitutional authority for this legislation is provided in Article I, section 8, clause 1 of the Constitution, which grants Congress the power to provide for the common Defense of the United States.

## SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

## TITLE I: RISK-BASED ALLOCATION OF HOMELAND SECURITY GRANTS

§101—First Responders Homeland Security Funding. This section amends the Homeland Security Act of 2002, by inserting Title XX (“Funding for First Responders”) to the end of the Act, including the following new sections:

§2002—Faster and Smarter Funding for First Responders. This section sets forth provisions governing Department of Homeland Security (DHS) grant funding for first responders pursuant to the State Homeland Security Grant Program, the Urban Area Security Initiative, and the Law Enforcement Terrorism Prevention Program. It specifically excludes non-DHS programs, the FIRE Grant programs, and the Emergency Management Performance Grant program and Urban Search and Rescue Grants program authorized by specified Federal laws.

§2003—Covered Grant Eligibility and Criteria. This section specifies that high threat urban areas are eligible to apply for funding under the Urban Area Security Initiative and that States, regions, and directly eligible tribes may apply for funding under the State Homeland Security Grant Program and the Law Enforcement Terrorism Prevention Program. It also directs the Secretary of Homeland Security to require any State applying for a covered grant to submit a State Preparedness report, to be developed in consultation with local governments and first responders. Additionally, this section precludes a grant award to a State absent approval of such plan. It sets forth minimum contents for grant applications, including the designation of regional and tribal liaisons (if the applicant is a region or directly

eligible tribe) and requires regional and tribal applications to be coordinated with State applications. Finally, this section requires applicants who purchase equipment that do not meet or exceed any applicable national voluntary consensus standards to include an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

§2004—Risk-Based Evaluation and Prioritization. This section requires the Secretary to evaluate and annually prioritize pending applications for covered grants based upon the degree to which they would lessen the threat to, vulnerability of, and consequences for persons (including transient commuters and tourists) and critical infrastructure. It also requires such evaluation and prioritization to be coordinated with the National Advisory Council (established as part of the recent FEMA Reform Bill), the FEMA Administrator, the United States Fire Administrator, the Chief Intelligence Officer of the Department, the Assistant Secretary for Infrastructure Protection, and other Department officials as determined by the Secretary. This section also sets forth minimum amounts each state shall receive (0.25%), providing for larger grant awards to applicants that have a significant international land border and/or adjoin a body of water within North America that contains an international boundary line (0.45%).

§2005—Use of Funds and Accountability Requirements. This section lists authorized uses of covered grants and prohibits the use of grant funds to supplant State or local funds, to construct physical facilities, to acquire land, or for any State or local government cost sharing contribution. It authorizes covered grant applicants to petition the Secretary for reimbursement of the costs of any activity relating to prevention of, preparedness for, response to, or recovery from acts of terrorism that is a federal duty and normally performed by a federal agency, and that is being performed by a State and/or local government under agreement with a federal agency. In addition, it sets the federal share of the costs of activities carried out under covered grants at 100 percent of the total for the two-year period following enactment of this Act and at 75 percent thereafter. This section also requires each covered grant recipient to submit annual reports on homeland security spending and establishes penalties for States that fail to pass through to local governments within 45 days of receipt of grant funds. Finally, this section requires the Secretary to report to Congress on grant program activities annually.

## TITLE II: ENSURING COMMUNICATIONS

## INTEROPERABILITY FOR FIRST RESPONDERS

§201—Improve Communications for Emergency Response Grant Program. This section would amend Title V of the Homeland Security Act of 2002 by creating a stand-alone interoperability grant program at the Department of Homeland Security. This provision requires the Department of Homeland Security’s Office of Grants and Training to coordinate with the Director of Emergency Communications to establish the Improved Communications for Emergency Response (ICER) grant program to improve emergency communications among state, regional, national, and in some instances, along the international border communities. The provision provides that the ICER grant would be established the first fiscal year following the Department’s completion of and delivery to Congress of the National Emergency Communication Plan (as outlined in current law) and baseline operability and interoperability assessment, and, upon the Secretary’s determination that substantial progress has been made with regard to emergency communica-

tion equipment and technology standards. Further, this section outlines the available use of the ICER grants for planning, design and engineering, training and exercise, technical assistance, and other emergency communication activities deemed integral by the Secretary.

## TITLE III: STRENGTHENING USE OF A UNIFIED INCIDENT COMMAND DURING EMERGENCIES

§301—National Exercise Program Design. This section strengthens federal assistance to state, local, and tribal governments both in implementing and in fully understanding the National Incident Management System (NIMS), the Incident Command System (ICS), any relevant mutual aid agreements, and the broad concepts of a unified command system. It refines and focuses some of the provisions of the Post Katrina Emergency Management Reform Act of 2006 by expressly requiring that the National Exercise Program include practical exercises that reinforce the aforementioned subject matters. Finally, it ensures that the utility of any exercise is maximized by requiring that the exercise plans of state, local, and tribal governments include the prompt creation of an after-action report and the rapid incorporation of any lessons learned into future operations.

§302—National Exercise Program Model Exercises. This section amends the Post Katrina Emergency Management Reform Act of 2006 to make it easier for state, local, and tribal governments to conduct exercises meant to reinforce NIMS/ICS training. It does so by requiring the Department of Homeland Security to develop and make available to them pre-scripted, preplanned exercise scenarios and materials that will need minimal tailoring.

§303—Responsibilities of Regional Administrators of the Federal Emergency Management Agency. This Section amends the Homeland Security Act of 2002 and the Post Katrina Emergency Management Reform Act of 2006 to require FEMA’s Regional Administrators to assist state, local, and tribal governments in pre-identifying and evaluating sites where a multijurisdictional unified command system can be quickly established in the event of a terrorist attack or a natural disaster.

## TITLE IV: STRENGTHENING AVIATION SECURITY

§401—Installation of In-Line Baggage Screening Equipment. This provision directs the Department of Homeland Security to issue, within thirty days of final passage of the Act, a cost-sharing study required under the Intelligence Reform and Terrorism Prevention Act of 2004 that will provide creative financing solutions to promote greater deployment of in-line explosive detection systems. Additionally, the Secretary is to provide analysis of the study, including a list of provisions DHS supports and a schedule to implement them. The 9/11 Public Discourse Project gave Congress and the Administration a “D” on improving the security of checked baggage.

§402—Aviation Security Capital Fund. The 9/11 Discourse Project gave “checked bag and cargo screening a ‘D,’ stating that ‘Improvements here have not been made a priority by the Congress or the administration. Progress on implementation of in-line screening has been slow. The main impediment is inadequate funding.’” This provision renews expiring authorization for TSA to issue letters of intent, grants or other funding vehicles to airports to help support in-line EDS projects through Fiscal Year 2011. Without this provision, authorization to issue such grants

would expire at the end of Fiscal Year 2007. The provision also removes the \$125 million cap on the level of support that TSA can give airports under this fund.

§403—Airport Checkpoint Screening Explosive Detection. This provision creates a Checkpoint Screening Security Fund to support the research, development and deployment of EDS checkpoint technologies. The provision provides a one-time deposit of \$250 million in FY 2008, from the revenues collected from the passenger ticket fees. The 9/11 Commissioners continues to be concerned about the threat that a would-be terrorist would get passed the TSA checkpoint with explosives strapped to their bodies. The 9/11 Public Discourse Project gave Congress a “C” on improving airline screening checkpoints to detect explosives. The Commissioners found that “while more advanced screening technology is being developed, Congress needs to provide the funding for, and TSA needs to move as expeditiously as possible with the appropriate installation of explosive detection trace portals at more of the nation’s airports.”

§404—Strengthening Explosive Detection at Airport Screening Checkpoints. This provision directs the Department of Homeland Security to issue, within seven days of enactment, a strategic plan for the deployment of explosive detection equipment at checkpoints that is long overdue under the Intelligence Reform and Terrorism Prevention Act of 2004.

§405—Extending Authorization of Aviation Security Funding. This provision reauthorizes the Aviation Security Capital Fund, which expires in 2007, through 2011 to ensure that TSA can continue to collect fees on tickets purchased by the flying public to enhance aviation security. This language would make available an additional \$1 billion towards the challenge of expanding inline EDS deployment, that is \$250 million per year from FY 2008 through 2011.

§406—Inspection of Cargo Carried Aboard Passenger Aircraft. This provision directs the Department of Homeland Security to establish and implement a system to inspect 100% of cargo carried on passenger aircraft by 2009. The measure directs the Department to develop a phased-in approach so that by the end of fiscal year 2007, 35% of cargo carried on passenger aircraft is inspected; by the end of fiscal year 2008, 65% percent of cargo is inspected; and by the end of fiscal year 2009, 100% of cargo is inspected. Last December, the 9/11 Commissioners gave a “D” grade to Congress and the Administration for their efforts to enhance air cargo screening.

§407—Appeal and Redress Process for Passengers Wrongly Delayed or Prohibited from Boarding a Flight. This provision directs the Secretary of Homeland Security to create the Office of Appeals and Redress to establish and administer a timely and fair process for airline passengers who believe they have been delayed or prohibited from boarding a flight because they have been misidentified against the “No Fly” or “Selectee” watchlists. The 9/11 Commissioners identified problems with airline passenger pre-screening as an area that needs addressing. In the 9/11 Public Discourse Project, the Commissioners stated that there has not been any real progress on improving the watch-listing process. The Department of Homeland Security was given an “F” in this area.

§408—Transportation Security Administration Personnel Management. This section provides for equal treatment for all Transportation Security Administration employees, including screeners. This provision requires the Department of Homeland Security apply the same management system to all TSA employees, including screeners. Under

this provision, all TSA employees, including screeners, would have collective bargaining rights and whistleblower rights.

§409—Advanced Airline Passenger Prescreening. This provision directs the Secretary to submit a plan with milestones to test and implement a system to prescreen passengers against the automatic selectee and no fly lists. The plan is due 90 days after enactment of the Act and must include (1) a description of the system; (2) a projected timeline for each phase of testing and implementation of the system; (3) an explanation of how the system integrates with the prescreening system for passenger on international flights; and (4) a description of how the system complies with the Privacy Act.

#### TITLE V: STRENGTHENING THE SECURITY OF CARGO CONTAINERS

§1501—Requirements Relating to Entry of Containers into the United States. This section amends 46 U.S.C. §70116 to add a new subsection. Under the new subsection, all containers must be scanned overseas using the best-available technology, including scanning for radiation and density, before they are loaded onto a ship destined for the United States. The scans will be reviewed by American security personnel before the container is loaded, and as technology becomes available, containers will be sealed with a device that will sound an alarm when it is tampered with, and will notify U.S. officials of a breach before the container enters the Exclusive Economic Zone of the United States. This section also requires the Secretary of Homeland Security to establish standards for scanning equipment and seals. The Secretary is required to review and if necessary, revise these standards not less than once every two years. Moreover, this section authorizes to be appropriated such sums as may be necessary to carry out this new requirement for fiscal years 2008 through 2013.

Under this section, the Department of Homeland Security is required to issue a final rule implementing this requirement within one year after the Department issues the report on the foreign pilot program required by §231 of the SAFE Ports Act. In addition, this section mandates a phased-in application. The new requirement shall apply to containers loaded at larger ports (more than 75,000 TEUs loaded in 2005) beginning on the end of the 3-year period beginning on the date of the enactment of this act. The new requirement shall apply to all other containers beginning on the end of the 5-year period beginning on the date of enactment of this act. This section encourages the Secretaries of Homeland Security and State to promote and establish international standards for the security of containers moving through the international supply chain. The legislation also requires the Secretary of Homeland Security to consult with the appropriate public and private stakeholders when carrying out this new subsection to ensure that actions taken by the Department do not violate international trade obligations or other international obligations of the United States.

#### TITLE VI: STRENGTHENING EFFORTS TO PREVENT TERRORIST TRAVEL

##### Subtitle A—Human smuggling and trafficking center improvements

§601—Strengthening the Capabilities of the Human Smuggling and Trafficking Center. This section would improve the capabilities of the Human Smuggling and Trafficking Center (HSTC) by authorizing the Assistant Secretary of Immigration and Customs Enforcement (ICE) to provide administrative and operational support to stem human smuggling, human trafficking, and terrorism

travel. This provision would authorize the hiring of 30 FTEs, of which no less than 15 detailed special agents and intelligence analysts—with at least three years of experience in the field of human smuggling and trafficking—would serve for at least two years at HSTC. This provision requires the Secretary to develop a plan whereby the responsibilities of the participating agencies and departments would be clearly defined, outline how the Department’s resources would be used to support the intelligence functions of HSTC, and describe the information sharing mechanism with the Office of Information and Analysis (I&A), ICE, and the U.S. Customs and Border Protection. Under this provision, the plan must also develop a reciprocal clearance status for participating agencies and departments, establish coordinated networked systems, and define efforts to incorporate HSTC personnel into the civil service system. This provision also requires SHA to execute a Memorandum of Understanding with the Attorney General clarifying the responsibilities of the participating departments regarding human smuggling, trafficking, and terrorist travel. Finally, I&A, in coordination with HSTC must produce periodic reports to Federal, State, local, and tribal law enforcement and other relevant agencies regarding the terrorists threats related to human smuggling, human traveling, and terrorism travel.

##### Subtitle B—International collaboration to prevent terrorist travel

§611—Report on International Collaboration to Increase Border Security, Enhance Global Document Security, and Exchange Terrorist Information.

##### Subtitle C—Entry and exit of foreign nationals into the United States

§621—Biometric Entry and Exit Verification. This section directs that the Secretary submit a plan, detailing the manner in which the US-VISIT program meets the goals of a comprehensive entry and exit screening system—including both biometric entry and exit—and how it will fulfill statutory obligations. As of October 2006, this plan was still under review in the Office of the Secretary, according to US-VISIT officials. Without such a plan, DHS cannot articulate how entry/exit concepts fit together—including any interim nonbiometric solutions—and neither DHS nor Congress is in a good position to prioritize and allocate resources, including funds for any facility modifications that might be needed, for a US-VISIT exit capability, to plan for the program’s future, or to consider trade-offs between traveler convenience and security.

#### TITLE VII: IMPROVING INTELLIGENCE AND INFORMATION SHARING WITH LOCAL LAW ENFORCEMENT AND FIRST RESPONDERS

##### Subtitle A—Fusion and Law Enforcement Education and Teaming (FLEET) grant program

###### §701—Findings.

§702—FLEET Grant Program. State, local, and tribal law enforcement participation in state and local fusion centers advances the cause of homeland security by involving officers in the intelligence process on a daily basis; helping officers build relationships across every level and discipline of government and the private sector; and ensuring that criminal intelligence and other information is shared with their home communities. Unfortunately, the many local and tribal police and sheriffs’ officers who serve suburban, rural, and tribal areas lack the resources to participate fully in fusion centers. This section accordingly establishes and authorizes funding for a program that will help them detail officers and intelligence analysts to state fusion centers by defraying the

costs associated with details. Specifically, it will provide local and tribal communities with the funding they need to backfill positions vacated by detailees; to train detailees in the intelligence cycle and privacy and civil liberties, and to ensure effective communications between detailees and their home departments and agencies. By encouraging participation in state fusion centers by these lower profile but equally critical law enforcement players—regardless of resources—this program will promote the development of more robust fusion centers nationally that are better geared toward protecting the American people. This section authorizes such sums as may be necessary for each of fiscal years 2008 through 2013 in support of the FLEET Grant Program.

*Subtitle B—Border Intelligence Fusion Center Program*

§711—Findings.

§712—Establishment of Border Intelligence Fusion Center Program. Law enforcement officers speak highly of fusion centers—entities that have been established at the State and regional levels in order to make sense of the millions of pieces of data available to them, state health authorities, local first responders, the private sector, and other homeland security players. One place where police and sheriffs' officers have identified a need for such intelligence "fusion" is at America's borders. As the June 2, 2006, arrest of suspected terrorists in Toronto, Canada, and news that al Qaeda has considered crossing the Mexican border to infiltrate the country both vividly demonstrate, America needs a "border intelligence" capability. Having situational awareness of the goings-on at our points of entry and all places in between would help the Department of Homeland Security make best use of its resources by partnering more effectively with the state, local, and tribal law enforcement officers that are the "eyes and ears" at our borders. Although it is commonly accepted that officers armed with that information could be effective lookouts for terrorists, drug and human smugglers, and others who pose a threat to the nation, no consistent and effective border intelligence capability yet exists. This section accordingly establishes and authorizes funding for a program that will require the Department to deploy Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) officers to border state fusion centers in order to generate border-related intelligence products that are relevant to the policing communities in those states. This section also provides for intelligence analysis, privacy, and civil liberties training. This section authorizes such sums as may be necessary for each of fiscal years 2008 through 2013 in support of the Border Intelligence Fusion Center Program.

*Subtitle C—Homeland Security information sharing enhancement*

§721—Short Title.

§722—Homeland Security Advisory System. This section directs the Under Secretary for Intelligence and Analysis to implement an advisory system to relay advisories and alerts to the public regarding threats to the homeland. This bill likewise prescribes the contents of those advisories and alerts, and it makes clear that the Under Secretary for Intelligence and Analysis is not to use color designations as the exclusive means warning the public of potential threat conditions.

§723—Homeland Security Information Sharing. This section directs the Secretary to integrate the various intelligence components of the Department (CBP, ICE, TSA, etc.) into a Departmental Information Sharing Environment (ISE) to be administered by

the Under Secretary for Intelligence and Analysis. To support the development of the ISE, this section:

(1) requires the Secretary to appoint "Knowledge Management Officers" for each intelligence component in order to promote a coordinated approach to gathering and disseminating homeland security information;

(2) establishes business processes for the review of information provided by State, local, tribal, and private sector sources and related feedback mechanisms; and

(3) establishes a training program for Department employees so they can better understand what "homeland security information" is, how they can identify it as part of their day-to-day work, and how it is relevant to the Office of Intelligence and Analysis.

This section also directs the Secretary, acting through the Under Secretary for Intelligence and Analysis, to establish a comprehensive information technology network architecture that will connect all of the databases within the Department of Homeland Security to each other—promoting internal information-sharing within the Department's Office of Intelligence and Analysis (I&A) and among the Department's various intelligence components. This section requires the Secretary to submit an implementation plan and progress report to Congress in order to monitor the development of the architecture and encourages its developers to adopt the functions, methods, policies, and network qualities recommended by the Markle Foundation.

*Subtitle D—Homeland Security information sharing partnerships*

§731—Short Title.

§732—State, Local, and Regional Information Fusion Center Initiative. This section directs the Secretary to establish an initiative to partner I&A with State, local, and regional information fusion centers. Such fusion centers analyze and disseminate potentially homeland security relevant information to appropriate audiences in a given community and are managed by a State, local, or regional government entity. This section directs the Secretary to, among other things, coordinate the Department's information sharing efforts with these entities; provide intelligence and other assistance to them; represent the interests of these entities to the wider Intelligence Community; and provide appropriate training. In addition, this section requires the Secretary to submit a concept of operations for the fusion center initiative before it can get underway. It also requires the Secretary to address any privacy or civil liberties concerns about the initiative raised by both the Department's Privacy Officer and Officer for Civil Rights and Civil Liberties before the initiative is implemented. This section also requires a follow-up privacy impact assessment within one year after the initiative commences.

§733—Homeland Security Information Sharing Fellows Program. This section essentially creates a program by which State, local, and tribal law enforcement agencies can nominate officers to work alongside intelligence analysts in I&A to accomplish three key goals for improving information sharing: (1) identifying for Department intelligence analysts what kinds of homeland security information are actually of interest to law enforcement, including information that can be used to help thwart terrorist attacks; (2) assisting intelligence analysts to write and disseminate intelligence reports in a shareable format—providing officers with specific and actionable information without disclosing sensitive sources and methods; and (3) serving as a point of contact for officers in the field who want to share informa-

tion with the Department but are unsure of where they should direct that information. Moreover, this section directs the Under Secretary for Intelligence and Analysis to solicit nominations for the program from a wide range of urban, suburban, and rural communities; provides a stipend to participating officers when funding permits; and directs the Under Secretary for Intelligence and Analysis to expedite the security clearance process for any nominee selected for the program who does not otherwise possess a valid security clearance. This provision requires the Secretary to submit a concept of operations for the program before it can get underway. It also requires the Secretary to address any privacy or civil liberties concerns about the program raised by both the Department's Privacy Officer and Officer for Civil Rights and Civil Liberties before the program can begin. Additionally, this section also requires a follow-up privacy impact assessment within one year after the program commences.

*Subtitle E—Homeland Security intelligence of-fices reorganization*

§741—Departmental Reorganization. This section reflects the changes wrought by the Secretary's Second Stage Review by redesignating the Directorate for Information Analysis and Infrastructure Protection (IAIP) within the Homeland Security Act of 2002 as I&A. It likewise redesignates the "Under Secretary for Information Analysis and Infrastructure Protection" as the "Under Secretary for Intelligence and Analysis." This section also takes the list of responsibilities for the Under Secretary for Information Analysis and Infrastructure Protection contained in Section 201 of the Homeland Security Act of 2002 and divides them up between the new Under Secretary for Intelligence and Analysis and the new Assistant Secretary for Infrastructure Protection who heads the new Office of Infrastructure Protection (described in Section 763 below). This section also adds new responsibilities for the Under Secretary for Intelligence and Analysis, including (1) coordinating and enhancing integration among the Department's intelligence components; (2) establishing intelligence priorities; and (3) ensuring that open-source information is used in I&A products whenever possible. In addition, this section requires the Under Secretary for Intelligence and Analysis to establish a continuity of operations (COOP) plan in the event I&A's operations are disrupted by a range of potential emergencies and includes a variety of technical and conforming amendments.

§742—Intelligence Components of the Department of Homeland Security. This section defines "intelligence component"; requires the Secretary to provide training to intelligence component staff regarding the handling, analysis, dissemination, and collection of homeland security information; and sets forth the responsibilities of the heads of each of the Department's intelligence components. Those responsibilities include: (1) ensuring that the work of their component supports the Under Secretary for Intelligence and Analysis and is consistent with his goals; (2) incorporating the Under Secretary for Intelligence and Analysis's input with regard to performance appraisals, bonus or award recommendations, recruitment and selection of staff, reorganization of the component, and other matters; and (3) ensuring that staff has knowledge of and complies with the programs and policies established by the Under Secretary for Intelligence and Analysis.

§743—Office of Infrastructure Protection. This section establishes the aforementioned Assistant Secretary for Infrastructure Protection to head the new Office of Infrastructure Protection. This section also lists six

key responsibilities for this new Assistant Secretary, including (1) conducting assessments of key resource and critical infrastructure vulnerabilities; (2) identifying priorities for Department protective and support measures; (3) developing a comprehensive national plan for securing key resources and critical infrastructure; (4) recommending protective measures for key resources and critical infrastructure; and (5) coordinating with the Undersecretary for Intelligence and Analysis and the Department's homeland security partners. The remainder of this section requires the Secretary to provide the Office with an expert staff, some of whom may hail from the private sector. It also requires staff to have appropriate security clearances and provides that personnel from other Federal agencies may be detailed to the Office in order to meet staffing needs.

**TITLE VIII: PROTECTING PRIVACY AND CIVIL LIBERTIES WHILE EFFECTIVELY FIGHTING TERRORISM**

*Subtitle A—Privacy and civil liberties oversight boards*

§801—Short Title.

§802—Findings.

§803—Making: the Privacy and Civil Liberties Oversight Board Independent. This provision removes the Board from the Executive Office of the President and makes the Board an independent agency. Under its current structure, the Board acts under the direction of the President, its offices are housed within the White House and its members serve at the pleasure of the President. This section would grant the Board autonomy and change its status to an independent agency.

§804—Requiring: All Members of the Privacy and Civil Liberties Oversight Board to Be Confirmed by the Senate. This section requires every member of the Board to be confirmed by the U.S. Senate. The Board will be composed of a full-time chairman and 4 additional members. The Board members shall be determined to be qualified and selected on the basis of their professional qualifications, achievements, public stature and expertise in the areas of civil liberties and privacy. Moreover, there shall never be more than three members of the Board that are members of the same political party and those individuals who are not of the same political party as the President can only be appointed after the President has consulted with the leadership of the nominee's party. Members of the Board cannot serve as an elected official or an employee of the Federal Government, other than in the capacity as a Board member during their tenure of service. All members will serve for a term of six years each.

§805—Subpoena Power for the Privacy and Civil Liberties Oversight Board. This section states that the Board will have subpoena powers that will be enforced by the U.S. District Court in the judicial district where the subpoenaed person resides. The subpoenas must be issued by the majority of the members of the Board.

§806—Reporting: Requirements. This provision requires the Board to submit no less than two reports each year to the appropriate committees of Congress that shall include a description of the Board's activities, information on its findings, conclusions, minority views, and recommendations resulting from its advice and oversight functions. The Board will also receive and review reports from Privacy Officers and Civil Liberties Officers from other executive branch agencies. The reports shall be unclassified, to the greatest extent possible, with a classified annex if necessary. The general public shall be kept abreast of the Board's activities

through its reports, which shall be made public and through public hearings.

*SUBTITLE B—Enhancement of privacy officer authorities*

§811—Short Title.

§812—Authorities of the Privacy Officer of the Department of Homeland Security. This section vests the designated privacy officer with the power to access any and all records necessary to fulfill the obligations of the office; undertake any privacy investigation that is deemed appropriate; subpoena documents from the private sector, where necessary; obtain sworn testimony; and take the same action that the Department's Inspector General can take in order to obtain answers to questions and responsive documents in the course of an investigation. The term of appointment shall be five years. Additionally, the Privacy Officer will be required to submit reports directly to Congress regarding the officer's performance without any prior comment of amendment by the Secretary, Deputy Secretary, or any other officer or employer of the Department of the Office of Management and Budget.

**TITLE IX: IMPROVING CRITICAL INFRASTRUCTURE SECURITY**

§901—Vulnerability Assessment and Report on Critical Infrastructure Information. This section requires the Secretary to provide annual comprehensive reports on vulnerability assessments for all critical infrastructure sectors established in Homeland Security Presidential Directive-7. This provision will require the Secretary to provide the appropriate congressional committees with a summary vulnerability report and a classified annex for each industry sector. This provision also requires the Department of Homeland Security to provide a summary report from the preceding two years to compare with the current report to show any changes in vulnerabilities, provide explanations and comments on greatest risks to critical infrastructure for each sector, and additional recommendations for mitigating these risks.

§902—National Asset Database and the National At-Risk Database. This section requires the Secretary of the Department of Homeland Security to maintain two databases addressing critical infrastructure: the National Asset Database and, as a subset, the National at-risk Database. These databases will list the nation's critical infrastructure most at-risk of a terrorist attack. To develop the National Asset Database and the At-Risk Database, the Secretary will meet with a consortium of national laboratories and experts. The Secretary is required to annually update both databases and remove assets and resources that are not verifiable or do not comply with the database requirements. The Secretary will also meet with the states and advise them as to the format for submitting assets for the lists and notifying them as to deficiencies before removing or not including assets on the lists. This provision also requires the Secretary to consult the Databases for purposes of allocating various Department grant programs. Finally, the Secretary must provide an annual report to Congress on the contents of the Databases.

**TITLE X: TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING**

§1001—Strategic Transportation Security Information Sharing. This section amends 49 U.S.C. §114 to add subsection 114(u). This new subsection requires the establishment of a Strategic Transportation Security Information Sharing Plan. The purpose of this plan is to ensure the robust development of tactical and strategic intelligence products related to transportation security for dissemination to public and private stakeholders.

The plan shall include a description of how intelligence analysts in the Transportation Security Administration are coordinating their activities with other Federal, State, and Local analysts. In addition the plan shall include reasonable deadlines for completing organizational changes within the Department and a description of resources needed to fulfill this plan.

Under this new subsection, the Secretary of the Department of Homeland Security is required to submit a report containing the plan to the appropriate Congressional Committees within 180 days of enactment. The Secretary is also required to submit an annual report and updates on implementation.

The Secretary of Homeland Security is required under the new subsection to conduct an annual survey on the stakeholder satisfaction concerning the transportation security intelligence reports issued by the Department. To the greatest extent possible, the Secretary shall provide stakeholders with transportation security information in an unclassified format. The Secretary is also required to ensure that stakeholders have the security clearances needed to receive classified information if the information can not be disseminated in an unclassified format.

§1002—Transportation Security Strategic Planning. This section amends 49 U.S.C. 114(t). This new legislation specifically states that the Secretary of the Department of Homeland Security is required to complete modal security plans for aviation, bridge and tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, over-the-road bus, and other public transportation assets (the National Strategy for Transportation Security is complete, but its underlying modal plans have not yet been completed). The Secretary of Homeland Security is responsible for coordinating all efforts undertaken under this subsection with the Secretary of Transportation. The development of risk-based priorities required under this section shall be based on vulnerability assessments conducted by the Department of Homeland Security.

This section requires the Secretary to define the roles and missions of tribal authorities. This section also requires the Secretary to establish mechanisms for encouraging employee organization cooperation and participation. Under this new language, the Secretary is responsible for a comprehensive delineation of prevention responsibilities. The responsibilities and issues delineated under this section have been expanded to include executed acts of terrorism outside of the United States. Research and development projects initiated by the Department shall be based on the prioritization required by this subsection. This section requires the Secretary, in conjunction with the submission of the budget to Congress under 31 U.S.C. §1105(a), to submit to the appropriate congressional committees an assessment of the progress made on implementing the transportation modal security plans.

The periodic progress report required under this subsection shall include, at a minimum, recommendations for improving and implementing the National Strategy for Transportation Security and the transportation modal security plans that the Secretary, in consultation with the Secretary of Transportation, considers appropriate. The report shall include an accounting of all grants, including those for research and development, distributed by the Department of Homeland Security the previous year and a description of how these grants accomplished the goals of the National Strategy for Transportation Security. The report shall include an accounting of all funds spent by the Department on transportation security. This

accounting should not include the aforementioned grants. The report shall include information on the number of employees, by agency, working on transportation security issues. This listing shall be divided by mode—aviation, bridge and tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, over-the-road bus, and other public transportation modes. This list shall also include information, by mode, on the number of contractors hired by the Department to work on transportation-related security. Finally, the report shall include information on the turnover of transportation-security related employees at the Department the previous year. Specifically, the report shall provide information on the number of people who have left the Department, their agency, the area in which they worked, and the amount of time that they had worked at the Department. If the Department initiates any transportation security activities that are not clearly delineated in the National Strategy for Transportation Security, the Department shall provide an explanation to the appropriate congressional committees; including the amount of funds expended for these initiatives.

Finally, this section requires the National Strategy for Transportation Security to include, as an integral part or as an appendix, the Transportation Sector Specific Plan required under Homeland Security Presidential Directive 7. Additionally, the Secretary of Homeland Security, working with the Secretary of Transportation, shall consult with other Federal agencies; state, local, and tribal officials; the private sector; employee organizations; institutions of higher learning; and others, as applicable, when carrying out the responsibilities outlined in this section. An unclassified version of the National Strategy for Transportation Security shall be provided to other Federal agencies; state, local, and tribal officials; the private sector; employee organizations; institutions of higher learning; and others, as applicable.

#### TITLE XI: PRIVATE SECTOR PREPAREDNESS

§1101—Participation of Private Sector Organizations in Emergency Preparedness and Response Activities. This provision establishes a program by which the Secretary of Homeland Security will establish a disaster and emergency preparedness response program for the private sector. Under this provision, within 90 days of passage, the Secretary will create a program to enhance private sector preparedness and response to terrorism and other emergencies and disasters. Among other things, the program must establish guidelines to: (1) identify hazards and assessing risks and impacts, (2) mitigating hazards, (3) managing emergency preparedness and response, and (4) developing training and response plans and operational procedures. Among any such standards created, the Department is required to use National Fire Protection Association 1600 Standard on Disaster/Emergency Management and Business Continuity Programs, which establishes a check-list of best practices for disaster and emergency preparedness and response. This standard was endorsed and recommended by the 9/11 Commission.

#### TITLE XII: PREVENTING WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM

##### §1201—Findings.

##### §1202—Definitions.

#### *Subtitle A—Repeal and modification of limitations on assistance for prevention of WMD proliferation and terrorism*

§1211—Repeal and Modification of Limitations on Assistance for Prevention of WMD Proliferation and Terrorism. Consistent with

the 9-11 Commission's recommendations, this section repeals conditions on CTR assistance to Russia and the former Soviet Union, as proposed by Senator Lugar in amendments in prior Congresses. This provision also removes limits on the use of CTR and Department of Energy funds outside the former Soviet Union by modifying certification requirements and repealing funding caps while providing additional oversight over this program.

#### *Subtitle B—Proliferation Security Initiative*

§1221—Proliferation Security Initiative Improvements and Authorities. This section expresses a Sense of Congress that the President should expand and strengthen the PSI, with a particular focus on implementing recent recommendations from the Government Accountability Office, including establishing a separate budget item for PSI. It also requires the Secretary of State and Secretary of Defense to submit defined annual budgets for the PSI. This provision further requires a presidential report on the implementation of Subtitle B and an annual GAO report on PSI progress and effectiveness.

§1222—Authority to Provide Assistance to Cooperative Countries. This section authorizes the President to provide certain types of foreign military assistance to countries that cooperate with the U.S. and its allies to achieve PSI goals. It also requires the President to notify the Congress 30 days before transferring any ship or aircraft with military applications to any country that does not support U.S. interdiction efforts.

#### *Subtitle C—Assistance to Accelerate Programs to Prevent WMD Proliferation and Terrorism*

##### §1231—Findings: Statement of Policy.

§1232—Authorization of Appropriations for the Department of Defense Cooperative Threat Reduction Program. This provision authorizes such additional appropriations as may be necessary for fiscal year 2007 for the CTR Program, particularly for biological weapons proliferation prevention; chemical weapons destruction at Shchuch'ye; and to accelerate and strengthen all Cooperative Threat Reduction programs. This section also contains a sense of Congress that in future fiscal years, the President should accelerate and expand funding for Department of Defense CTR programs, and should begin immediately to secure additional commitments from the Russian Federation and other partner countries to facilitate such efforts.

§1233—Authorization of Appropriations for Department of Energy Programs to Prevent WMD Proliferation and Terrorism. This provision authorizes appropriations for FY 2007 for the Department of Energy National Nuclear Security Administration for the following programs and purposes:

To accelerate and strengthen the Global Threat Reduction Initiative (GTRI or "global cleanout"), with a particular emphasis on the Russian research reactor fuel return program; international radiological threat reduction; and development of a quick response and short-term capabilities to secure and remove nuclear materials throughout the world.

To accelerate and strengthen the Nonproliferation and International Security program, with a particular emphasis on global security and engagement with China, India, and other states; activities to address emerging proliferation concerns in North Korea, Iran and elsewhere; participation in negotiations regarding North Korea's nuclear programs; inter-agency participation in the PSI; technical and other assistance to the International Atomic Energy Agency (IAEA) to increase the IAEA's capacity to secure vulnerable materials worldwide and prevent nuclear terrorism; U.S. efforts to help states around the world place the "effective con-

trols" on weapons of mass destruction and related materials and technology mandated by UN Security Council Resolution 1540; cooperation on export controls in South Asia, the Middle East and other regions; efforts to strengthen U.S. commitments to international regimes and agreements; and establishment of a contingency fund for opportunities that arise.

To accelerate and strengthen the International Materials Protection, Control and Accounting program, with a particular emphasis on implementation of physical protection and material control and accounting upgrades at site; national programs and sustainability activities in Russia; material consolidation and conversion (including significant acceleration of the down-blending of highly-enriched uranium (HEU) to low-enriched uranium (LEU), the removal of HEU from facilities, and international participation in these efforts); efforts to strengthen cooperation with and access to Russia; implementation of Second Line of Defense Megaports agreements; and implementation of Department of Energy actions under the Security and Accountability for Every (SAFE) Port Act of 2006.

To accelerate and strengthen the Research and Development program, with a particular emphasis on improvement of U.S. government capability for both short and long-term, and innovative, nonproliferation research and development that addresses emerging proliferation concerns and will maintain U.S. technological advantage, including the capacity to detect nuclear material origin, uranium enrichment and plutonium reprocessing; and efforts to significantly expand the scientific research and development skills and resources available to the Department of Energy's nonproliferation programs.

#### *Subtitle D—Office of the United States Coordinator for the Prevention of WMD Proliferation and Terrorism*

§1241—Office of the United States Coordinator for the Prevention of WMD Proliferation and Terrorism. This section establishes the executive office of the U.S. Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism. The U.S. Coordinator's duties include serving as the advisor to the President on all matters relating to the prevention of WMD proliferation and terrorism; formulating a comprehensive and well-coordinated U.S. strategy and policies (including department and agency performance milestones, identification of program inefficiencies, plans to coordinate and expand U.S. activities, new initiatives and programs, and plans to strengthen international cooperation); leading inter-agency coordination; conducting oversight and evaluation; and overseeing the development of a comprehensive and coordinated budget and carrying out other budgetary authorities. This section further requires an annual congressional report on the strategy and policies described in Subtitle D, and consultation with the Commission on the Prevention of WMD Proliferation and Terrorism (established in Subtitle E).

§1242—Request for Corresponding Russian Coordinator. This section expresses a sense of Congress that the President should personally request the President of the Russian Federation to designate an official of the Federation with responsibilities for preventing WMD proliferation and terrorism, commensurate with those of the U.S. Coordinator, and with whom the U.S. Coordinator should work to plan and implement activities in the Russian Federation.



*Subtitle E—Commission on the Prevention of WMD Proliferation and Terrorism*

§1251—Commission on the Prevention of WMD Proliferation and Terrorism. This section directs the President to convene a bipartisan blue-ribbon commission of experts for the purpose of assessing current activities and programs to prevent weapons of mass destruction (WMD) proliferation and terrorism, and providing a clear and comprehensive strategy and concrete recommendations for these activities and programs.

§1252—Purposes. This section provides for the purposes of the Commission, including assessing current activities, initiatives, and programs to prevent WMD proliferation and terrorism and providing a clear and comprehensive strategy and concrete recommendations for such activities, initiatives, and programs, with a particular emphasis on significantly accelerating, expanding, and strengthening, on an urgent basis, United States and international efforts to prevent, stop, and counter the spread of nuclear weapons capabilities and related equipment, material, and technology to terrorists and states of concern.

§1253—Composition. This provision describes the composition of the Commission, which will have three members appointed by the President, three members appointed by the House and three members appointed by the Senate, and establishes requirements for quorum and filling vacancies.

§1254—Responsibilities. This section requires the Commission to address the structure and mission of relevant government actors, including the Office of the U.S. Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (established in Subtitle D); inter-agency coordination; U.S. commitments to international regimes; and the threat of WMD proliferation and terrorism to the U.S. and its interests. This section also requires the Commission to reassess, and where necessary update and expand upon, the conclusions and recommendations of the report entitled “A Report Card on the Department of Energy’s Nonproliferation Programs with Russia” of January 2001 (also known as the “Baker-Cutler Report”).

§1255—Powers. This provision describes the powers of the Commission.

§1256—Nonapplicability of Federal Advisory Committee Act. This section clarifies that the Federal Advisory Commission Act does not apply to the Commission but requires the Commission to hold hearings as appropriate.

§1257—Report. This section requires that the Commission report to Congress not later than 180 days after appointment of the Commission.

§1258—Termination. This provision terminates the Commission 60 days after completion of the report required under §1257.

**TITLE XIII: NUCLEAR BLACK MARKET COUNTER-TERRORISM ACT**

§1301—Short Title.

§1302—Definitions.

*Subtitle A—Sanctions for transfers of nuclear enrichment, reprocessing, and weapons technology, equipment, and materials involving foreign persons and terrorists*

§1311—Authority to Impose Sanctions on Foreign Persons. This section requires the President to impose sanctions on any foreign person who trades nuclear enrichment technology to any non-nuclear weapon state that does not possess such technology as of January 1, 2004 and does not have in force an IAEA Additional Protocol; or, is developing nuclear weapons; or, who provides items controlled by the Nuclear Suppliers Group that

contributes to the development of a nuclear weapon by a non-nuclear weapon state or any foreign person. Sanctions include prohibiting foreign assistance to such person, prohibiting the export of defense articles, defense services, or dual use items (other than food or medicine), and prohibiting contracts. Sanctions may be waived if it is important to the national interest and furthers the purposes of the Act.

§1312—Presidential Notification on Activities of Foreign Persons. This provision requires a report from the President on foreign persons who engage in the activities described in §1311.

*Subtitle B—Further actions against corporations associated with sanctioned foreign persons*

§1321—Findings.

§1322—Campaign by United States Government Officials. This section requires the President to instruct U.S. officials and agencies to persuade foreign governments and relevant corporations not to enter into any business transaction with foreign persons who engage in the activities described in §1311.

§1323—Coordination. This section provides that the Secretary of State coordinate the activities of U.S. government agencies under §1322.

§1324—Report. This provision requires an annual report on all activities described in this subtitle.

*Subtitle C—Rollback of nuclear proliferation networks*

§1331—Nonproliferation as a Condition of United States Assistance. This section provides that U.S. assistance should only be provided to countries that are not cooperating with countries or foreign groups or individuals who are engaged in, planning or assisting any international terrorist group in the development of nuclear weapons or the means to deliver them and are taking all necessary measures to prevent their nationals or persons under their control from participating in such cooperation and are fully and completely cooperating with the United States in its efforts to eliminate nuclear black-market networks.

§1332—Report on Identification of Nuclear Proliferation Network Host Countries. This provision requires an annual report that identifies any country in which activities of the nuclear black market network that supplied Libya, Iran and North Korea occurred and any country in which such activities occur in the future. This section also requires that the President submit information as to whether such countries are fully cooperating with the United States, including providing access to individuals involved in such networks.

§1333—Suspension of Arms Sales Licenses and Deliveries to Nuclear Proliferation Host Countries. This provision directs the President to prohibit exports or other activities under the Arms Export Control Act to any country unless the President certifies that such country is fully investigating the nuclear black market networks described in §1332, is taking effective steps to halt such activities, and is fully cooperating with the United States and other appropriate international organizations in investigations regarding such networks. These prohibitions may be waived if it is important to the national security interest. 25

**TITLE XIV: 9/11 COMMISSION INTERNATIONAL IMPLEMENTATION**

§1401—Short Title: Table of Contents.

*Subtitle A—Quality educational opportunities in Arab and predominantly Muslim countries*

§1411—Findings: Policy. This section declares that it is the policy of the United

States to: work toward the goal of dramatically increasing the availability of modern basic education through public schools in Arab and predominantly Muslim countries, join with other countries in supporting the International Arab and Muslim Youth Opportunity Fund, offer additional incentives to increase the availability of basic education in Arab and predominantly Muslim countries, and work to prevent financing of education institutions that support radical Islamic fundamentalism.

§1412—International Arab and Muslim Youth Opportunity Fund. This section amends §7114 of the Intelligence Reform and Terrorism Prevention Act of 2004 by establishing an International Arab and Muslim Youth Opportunity Fund. The new §7114(a) contains findings on the United Nation’s 2003 Arab Human Development Report on the lack of quality public education, the high illiteracy, enrollment, and access rates in Arab countries. The new §7114(b) states the purpose is to strengthen the public educational systems in Arab and predominantly Muslim countries by authorizing the establishment of an International Arab and Muslim Youth Opportunity Fund and providing resources for the Fund to help strengthen the public educational systems in Arab and predominantly Muslim countries. The new §7114(c) authorizes the establishment of an International Arab and Muslim Youth Opportunity Fund as either a separate fund in the U.S. Treasury or through an international organization or international financial institution; authorizes the Fund to support specific activities, including assistance to enhance modern educational programs; assistance for training and exchange programs for teachers, administrators, and students; assistance targeting primary and secondary students; assistance for development of youth professionals; and other types of assistance such as the translation of foreign books, newspapers, reference guides, and other reading materials into local languages and the construction and equipping of modern community and university libraries; and authorizes such sums as may be necessary for fiscal years 2008, 2009 and 2010 to carry out these activities. This subsection requires the President to prepare a report on the United States efforts to assist in the improvement of education opportunities for Arab and predominantly Muslim children and youths, including the progress in establishing the International Arab and Muslim Youth Opportunity Fund. This subsection also provides a definition for use in this section.

§1413—Annual Report to Congress. This section directs the Secretary of State to prepare an annual report on the efforts of Arab and predominantly Muslim countries to increase the availability of modern basic education and to close educational institutions that promote religious extremism and terrorism and provides the requirements for the annual report.

§1414—Extension of Program to Provide Grants to American-Sponsored Schools in Arab and Predominantly Muslim Countries to Provide Scholarships. This section provides findings regarding the pilot program established by §7113 of the 9/11 Implementation Act of 2004, stating that this program for outstanding students from lower-income and middle-income program in Arab and predominantly Muslim countries is being implemented. This provision also amends §7113 to extend that program for FY2007 and 2008, authorizes such sums as may be necessary for such years, and requires a report in April 2008 about the progress of the program.

*Subtitle B—Democracy and development in Arab and predominantly Muslim countries*

§1421—Promoting Democracy and Development in the Middle East, Central Asia, South

Asia, and Southeast Asia. This section contains findings describing the national security interests of the United States to promote democracy, the rule of law, good governance, sustainable development, a vigorous civil society, political freedom, protection of minorities, independent media, women's rights, private sector growth, and open economic systems in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia. This provision also declares that it is the policy of the United States to promote in the short and long-term, democracy, the rule of law, good governance, sustainable development, a vigorous civil society, political freedom, protection of minorities, independent media, women's rights, private sector growth, and open economic systems in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia; and provide assistance to individuals and organizations in the countries of those regions that are committed to promoting those objectives. Moreover, this section directs the Secretary of State to prepare a report with a country-by-country five year strategy to promote the policy of the United States described in subsection (b), including an estimate of the funds necessary to implement such a strategy.

§1422—Middle East Foundation. This provision authorizes the Secretary of State to designate an appropriate private, non-profit United States organization as the Middle East Foundation and to provide funding to the Middle East Foundation through the Middle East Partnership Initiative. This subsection directs the Secretary of State to provide notification prior to designating an appropriate organization as the Middle East Foundation. It also requires the Middle East Foundation to award grants to persons located in the Middle East or working with local partners based in the region to carry out projects that support the purposes specified in subsection (a); and permits the Foundation to make a grant to a Middle Eastern institution of higher education to create a center for public policy. In addition, this section prevents the funds provided to the Foundation from benefiting any officer or employee of the Foundation, except as salary or reasonable compensation for services, and provides that the Foundation may hold funds provided in this section in interest-bearing accounts, subject to appropriations. This section requires annual independent private audits, permits audits by the Government Accountability Office, and requires audits of the use of funds under this section by the grant recipient. This provision also directs the Foundation to prepare an annual report on the Foundation's activities and operations, the grants awarded with funds provided under this section, and the financial condition of the Foundation. Finally, this section repeals 534(k) of P.L. 109-102.

*Subtitle C—Restoring United States moral leadership*

§431—Advancing United States Interests through Public Diplomacy. This provision finds, via the National Commission on Terrorist Attacks Upon the United States, that the U.S. government has initiated some promising initiatives in television and radio broadcasting to the Arab world, Iran, and Afghanistan and that these efforts are beginning to reach larger audiences. It also includes a sense of Congress that the United States needs to improve its communication of ideas and information to people in countries with significant Muslim populations, that public diplomacy should reaffirm the United States commitment to democratic principles, and that a significant expansion of United States international broadcasting would provide a cost-effective means of im-

proving communications with significant Muslim populations. In addition, this section amends the United States International Broadcasting Act of 1994 to include a provision establishing special authority for surge capacity for U.S. international broadcasting activities to support United States foreign policy objectives during a crisis abroad, and authorizes such sums to carry out the surge capacity authority and directs the Broadcasting Board of Governors to submit an annual report to the President and Congress. This section also authorizes such sums as may be necessary for FY 2008 for U.S. broadcasting activities, including broadcasting capital improvements.

§1432—Expansion of United States Scholarship. Exchange, and Library Programs in Arab and Predominantly Muslim Countries. This section directs the Secretary of State to prepare a report on the recommendations of the National Commission on Terrorist Attacks Upon the United States for expanding U.S. scholarship, exchange, and library programs in Arab and predominantly Muslim countries, including a certification by the Secretary of State that such recommendations have been implemented or if a certification cannot be made, what steps have been taken to implement such recommendations. This provision also directs the Comptroller General of the United States to review the certification once submitted.

§1433—United States policy toward Detainees. This section restates the 9/11 Commission recommended that the United States develop a common coalition approach toward detention and humane treatment of captured terrorists, that while the U.S. has passed a number of laws in this area, it has not developed such a common coalition approach, and that a number of U.S. allies are conducting investigations related to treatment of detainees. It also requires a report 90 days after enactment of the Act and 180 days thereafter on any progress on developing such an approach, and a certification that such an approach has been implemented or, if such certification has not been made, the steps taken to implement this recommendation. In addition, this provision terminates the requirement of subsection (b) if the Secretary makes such a certification, and requires a GAO review of the certification.

*Subtitle D—Strategy for the United States' relationship with Afghanistan, Pakistan, and Saudi Arabia*

§1441—Afghanistan. This provision declares that it is the policy of the United States to maintain its long-term commitment to Afghanistan by increased assistance and the continued deployment of United States troops in Afghanistan and that the President shall engage aggressively with the Government of Afghanistan and NATO to assess the success of the Afghan December 2006 counter-narcotics strategy and to explore all additional options for addressing the narcotics crisis in Afghanistan, including considering whether NATO forces should change their rules of engagement regarding counter-narcotics operations. Moreover, this section declares that the Afghanistan Freedom Support Act of 2002 should be reauthorized and updated, and directs the President to make every effort to dramatically increase the numbers of United States and international police trainers, mentors, and police personnel operating with Afghan civil security forces and shall increase efforts to assist the Government of Afghanistan in addressing corruption; and directs the President to submit a report on the United States efforts to fulfill the requirements in this subsection. This section also authorizes such sums as may be necessary for fiscal years 2008 and 2009 for the acquisition of emergency energy

resources, including diesel fuel, to secure the deliver of electricity to Afghanistan.

§1442—Pakistan. This section declares that it is the policy of the United States to work with the Government of Pakistan to combat international terrorism, to end the use of Pakistan as a safe haven for forces associated with the Taliban, to establish a long-term strategic partnership with Pakistan, to dramatically increase funding for programs of the U.S. Agency for International Development and the Department of State, and to work with the international community to secure additional financial and political support to assist the Government of Pakistan in building a moderate, democratic state. This provision also requires the President to submit a report on the long-term strategy of the United States to engage with the Government of Pakistan to address curbing the proliferation of nuclear weapons technology, combating poverty and corruption, building effective government institutions, promoting democracy and the rule of law, addressing the continued presence of the Taliban and other violent extremist forces throughout the country, and effectively dealing with Islamic extremism. In addition, this section prohibits the provision of United States security assistance to Pakistan until the President certifies that the Government of Pakistan is making all possible efforts to prevent the Taliban from operating in areas under its sovereign control but provides a national security waiver to the President. The subsection includes a sunset provision whereby the limitation of assistance will cease to be effective once the President determines that the Taliban cease to exist as an organization capable of conducting military, insurgent, or terrorist activities in Afghanistan from Pakistan. This provision also authorizes such sums as may be necessary for assistance for Pakistan in various different accounts, and extends waivers of foreign assistance restrictions with respect to Pakistan through the end of FY 2008 and includes a sense of congress that extensions of these waivers beyond FY 2008 should be informed by whether Pakistan makes progress in rule of law and other democratic reforms and whether it holds a successful parliamentary election.

§1443—Saudi Arabia. This provision states Congressional findings that the Kingdom of Saudi Arabia's record in the fight against terrorism has been uneven and that the United States has a national security interest in working with the Government of Saudi Arabia to combat international terrorists, and expresses a sense of congress that the Government of Saudi Arabia must undertake a number of political and economic reforms in order to more effectively combat terrorism. This section also provides for a number of statements of policies regarding the U.S. relationship to Saudi Arabia, including engaging Saudi Arabia to openly confront the issue of terrorism, to enhance counterterrorism cooperation, and to support reform efforts by the Government of Saudi Arabia. Finally, this provision requires a report on the ongoing U.S.-Saudi Strategic Dialogue and whether the Dialogue has promoted progress in achieving the U.S. long term strategy to engage the Government of Saudi Arabia to undertake reforms and to combat terrorism.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the outset, let me thank the gentleman from Mississippi (Mr. THOMPSON), the new chairman of the Homeland Security Committee, for the work that he did, certainly in the

time that I was chairman of the Homeland Security Committee and he was the ranking member.

Let me also wish him the very best as he embarks on his tenure as chairman of the Homeland Security Committee. And even though we certainly will have differences today and the debate will be strong at times, I want to assure him that I share the same commitment he does. I know that he shares the commitment that I have to work together in a bipartisan way on the issue of Homeland Security and throughout the next 2 years. I certainly look forward to working with him and cooperating with him in every way that I can, and I know I speak for the members of the committee on my side of the aisle.

Mr. Speaker, it is, to me, a very significant matter that Homeland Security is listed as the top issue. I agree that it should be. I agree that it is, and to that extent, I certainly commend the gentleman from Mississippi (Mr. THOMPSON) for bringing forth this legislation.

However, I am extremely disappointed in the way it is being done. And I say that not just as a matter of process or a matter of procedure, but I say that as a person who, during the 15 months that I was the chairman of the Homeland Security Committee, I did all I could to ensure that every piece of legislation that came through our committee was bipartisan from day one. Every piece of legislation went through a complete subcommittee hearing. The Democratic minority, at the time, were fully apprised of all that we were doing at all stages. Went to a full committee hearing, and again, everyone was apprised of all that was happening. It was an open book. And as a result of that, we passed very, very significant bipartisan legislation in the most recent Congress, the Port Security Act, chemical plant legislation, reforming and restructuring FEMA. The interoperability legislation, which was jointly sponsored and advanced by Mr. REICHERT and Mr. PASCRELL became part of the FEMA restructuring legislation. And I say that because it shows that, on an issue such as homeland security, we make the most progress when we work together, and that this should not be a partisan issue because terrorists don't care if you are Democrats, Republicans or Independents. If we are Americans, they want to kill us. And that has to be our guiding principle throughout this.

So I am disappointed today that such a piece of legislation, which attempts to deal with such a vital issue in such an all-encompassing way is going to be done without any benefit at all of going through the committee, having committee hearings, getting testimony, of reaching out. We, as Republicans, had no say whatsoever in this legislation.

Again, I emphasize, I can speak for the Homeland Security Committee. That never happened during the 15

months that I was the chairman, nor do I believe it ever happened under my predecessor, Mr. Cox.

Now, as far as the legislation today, as I said, parts of it are disappointing. And I guess this even goes back to last week. If there is one issue, one recommendation that the Homeland Security Committee made was that we should centralize as much jurisdiction as possible in one committee, rather than have such a multiplicity of committees and subcommittees in both Houses requiring the Secretary and the assistants and the undersecretaries to come up to the Hill to be testifying, and also to get a much more coordinated policy. Nothing was done on that whatsoever.

Now, the chairman pointed out that perhaps Republicans could have done this in the past. Well, the fact is, this is a work in progress. It was the Republican majority which set up and established, first as a select committee for 2 years and then as a permanent committee since January of 2005, the Committee on Homeland Security. I know in my conversations with the leadership, it was certainly the intention to centralize it more. Would they have? I believe they would have. If not, I certainly would have fought to have it done because one thing I think the former ranking member and the current chairman and I would agree on, we saw last year what happened when you had legislation going from one committee to the other, one committee trying to grab a small part of it and slowing down the process.

Also, we found out how nuanced and how complicated these issues are, and that very few of us ended up where we began. We saw, as the debate went forward, as the hearings went forward, as the expert witnesses came in, just how intricate these issues were and how vital they were and how important it was not to jump ahead.

Now, the chairman mentioned, for instance, scanning 100 percent of cargo within 3 years or most of it done within 3 years. Now, on its face, that sounds very good. It is a good sound bite. It is good for a 100-hour scenario. But the fact is, we held extensive hearings on that. The fact is that the legislation that was arrived at between the House and the Senate, seeing the complexity of it, and realizing that there is no technology in place right now that could bring that about, has set up pilot projects around the world, and we will get a report back on those projects with a sense of urgency and a need to implement whatever can be implemented. But to set forth a 100-percent standard when there is no evidence now that that can be achieved during that time period, to me, gives a false hope to the American people, and it is playing, to me, it is trivializing what should be the most important issue that confronts the Nation today.

Now, also, on that and to show that our constructive criticism of this issue is not done in a partisan way, the

Washington Post today had an editorial extremely critical of that provision in particular and the process in general.

So with that I look forward to the debate today. As I said, I have real problems with the process. I have certain specific problems with parts of the legislation. But that can be all brought out in the debate today. Unfortunately, there won't be an opportunity to offer amendments on it. As I said, there were no committee hearings. But it is going to be a long 2 years, long in the sense that we have a long period in which to get a lot done. But, on the other hand, I assure Mr. THOMPSON that once we get this behind us, I look forward to working with him in as bipartisan a way as possible. And with the respect I have for him, I think, at the end of that long 2 years, the American people will see that we have achieved quite a bit.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to assure the ranking member that after today, and from this day forward, there will be communication. We will work together. The jurisdictional issues that we didn't resolve completely in the last 15 months or so, I assure you, we will do our best to make sure that they don't come into impacting the committee.

Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the chairman of the Homeland Security Committee.

Notwithstanding the remarks of the gentleman from New York (Mr. KING), the fact is that the bipartisan 9/11 Commission gave the last Congress Fs and Ds in implementing its recommendations. This Congress is determined to earn its As in implementing those recommendations, and not just by inspecting the air and sea cargo but also by distributing the funds that are available based upon risk, not just by population; by preventing the spread of terrorism and, particularly, weapons of mass destruction; by reducing the appeal of extremism through international quality education and the expansion of democracy and economic development.

But most of all, Mr. Speaker, this Congress is determined to implement the principal recommendation of the 9/11 Commission, which was to restore U.S. moral leadership. That is the intent of this bill. I strongly urge support for it.

Mr. KING of New York. Mr. Speaker, I would just point out to the gentleman from Virginia (Mr. MORAN) that on the fairer funding, the legislation which is in the bill today is exactly the legislation which passed the previous Congress, and certainly, that part of the bill I will support strongly.

Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. MICA).

□ 1315

Mr. MICA. Mr. Speaker, I ask unanimous consent that the House resolve into secret session as though pursuant to a motion by Mr. MICA, under rule XVII, clause 9. Because there are 54 new Members of the House of Representatives and a significant number of returning Members who have not had access to critical classified information, it is extremely vital to their understanding of the consequences of their vote in regard to the impact of H.R. 1, which will affect this Nation, our security, and pending terrorist threat.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Florida?

Mr. THOMPSON of Mississippi. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that the distinguished incoming chairman of Armed Services, Mr. SKELTON, be allowed to control the remainder of the time.

The SPEAKER pro tempore. Is there objection to the gentleman from Mississippi?

There was no objection.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Mississippi.

Mr. Speaker, during the Presidential debates of 2004, there was one point of consensus between the two candidates that is important for us in our debate today. In answer to the question of what is the single most threat to the national security of the United States, both candidates agree that nuclear proliferation and weapons of mass destruction in the hands of terrorists was the biggest threat. This view was shared by the 9/11 Commission, which recommended a vital effort to prevent and counter the proliferation of weapons of mass destruction.

H.R. 1 will help put the United States much further down the path to addressing the problem of weapons of mass destruction, proliferation, and terrorism. It will strengthen the Cooperative Threat Reduction program also, known as the Nunn-Lugar program, as well as the Department of Energy's nonproliferation programs. It will strengthen and expand the multinational Proliferation Security Initiative started by this administration and will establish a new Coordinator for the Prevention of Weapons of Mass Destruction, Proliferation, and Terrorism.

The bill also establishes a new commission to follow up on the work of the 9/11 Commission focused on the issue of weapons of mass destruction, proliferation, and terrorism.

Specifically, the bill will repeal a set of limitations on nonproliferation programs which threatens on an annual basis to shut off access to program funding unless Congress or the Presi-

dent waives them. It simplifies the authority to use those funds outside the countries of the former Soviet Union when necessary and appropriate while strengthening oversight. The bill authorizes such sums as are necessary for these programs.

On the Proliferation Security Initiative, the bill calls upon the President to continue and to expand it. It directs the administration to develop and transmit to Congress a defined budget for this effort and initiates a GAO review. The bill further authorizes the President to use foreign assistance as an initiative to get more countries to join.

The coordinator for the Prevention of Weapons of Mass Destruction, Proliferation, and Terrorism established by this bill will be a senior aide close to the President who can give the nonproliferation programs spread across the Federal Government the support they need and, of course, deserve. The bill requires a comprehensive strategy to fully use and coordinate these programs, and it calls for measurable goals and milestones by which we can judge progress.

The commission established by this bill will build upon the excellent work of the 9/11 Commission by examining in detail the existing nonproliferation programs and also any new and creative ideas for securing dangerous materials.

In addition, the commission would follow up on the work of the Baker/Cutler Commission, which made a series of recommendations in this area in 2001.

Mr. Speaker, I reserve the balance of my time.

Mr. KING of New York. Mr. Speaker, I yield the remainder of my time to the distinguished ranking member of the Foreign Affairs Committee, the gentlelady from Florida (Ms. ROS-LEHTINEN), and ask unanimous consent that she be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the gentleman from New York?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New York for yielding me the time.

Mr. Speaker, it is truly a shame that the new Democratic leadership has chosen to turn what was a bipartisan, carefully calibrated approach to safeguarding our Nation's security in the aftermath of 9/11 into a partisan political tool. This bill does have some good elements. In fact, a big portion of the foreign policy titles in the bill mirror what is already in law, with some minor additions or recommendations.

That said, the bill does raise concern, and it even includes drafting errors that could have been avoided had we on the other side of the aisle had in the committees been allowed to operate

and been allowed to contribute to the drafting, but we were not.

For example, the Nuclear Black Market section in this bill, Mr. Speaker, is a legislative effort that I had the pleasure of working on with the gentleman from California (Mr. LANTOS) throughout the last few years.

However, much has changed. Parts of it need revision. It needs to be reedited and updated. But we will be unable to fix these provisions and make these necessary corrections.

Far more troubling, Mr. Speaker, is the profound divergence between our two parties that this legislation reveals. The divergence is clearly most demonstrated in the provisions regarding the Proliferation Security Initiative, known as the PSI.

Since its creation by this administration in the year 2002, the PSI has quickly become one of this country's most valuable tools in helping to stop the spread of weapons of mass destruction and preventing them from falling into the hands of terrorists. Our PSI partners and others at times have stopped the transshipment of material and equipment bound for Iran's ballistic missiles programs and also prevented Iran from procuring funds and the goods to support its weapons of mass destruction programs, including its nuclear program; and it was PSI cooperation between the U.S., the U.K., and other European partners that began the demise of the Dr. A.Q. Khan network, an action that was also instrumental in convincing the Libyan Government to stop its nuclear weapons and longer-range missile programs.

Despite this success, Mr. Speaker, this legislation urges the President to secure a resolution by the United Nations Security Council that would authorize the PSI under international law. We have seen how ineffective the U.N. Security Council has been in compelling Syria to stop its support for terrorist activities in Lebanon, or at least in keeping to its own deadlines regarding Iran's nuclear program. Giving the United Nations the ability to define what is permissible under the PSI will result in the imposition of unpredictable limitations, unpredictable conditions, and unpredictable interpretations and would result in a regulatory straightjacket overseen by the international bureaucracy.

Frankly, Mr. Speaker, this is disturbing. I need only point out the continuing efforts by Russia and China to hobble the efforts of the United States at the United Nations to apply pressure to Iran to abandon its nuclear weapons program. If this recommendation were followed, the PSI would be undermined. The problem, however, is far deeper than merely the threat to this vital and proven program. The position of some of my colleagues across the aisle appears to be that the PSI and similar efforts by the United States to defend its citizens against terrorists and other threats require authorization under international law by the United Nations. They believe that these so-called

multilateral regimes are credible substitutes for the efforts of the United States.

We must oppose any efforts to substitute action by the U.N. and other international organizations for those of the U.S. Government in carrying out its fundamental responsibility to protect the American people and advance American interests. I know that there are many of my colleagues who are equally concerned that this proposal should be adopted. I know their constituents will be, Mr. Speaker.

Therefore, I hope that all of our colleagues carefully think about some of these provisions and that they put partisan politics aside when it comes time to vote on the motion to recommit, a motion that reaffirms a central tenet of the U.S. foreign policy, and that is that it is the responsibility of the U.S. Government to protect the American people. This responsibility must never be surrendered to the United Nations or other multilateral institutions.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the Armed Services Committee.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. I thank my friend for yielding.

Mr. Speaker, colleagues, our country is living on borrowed time. A quantity of highly enriched uranium or plutonium the size of a grapefruit that could be put into a vehicle the size of a U-Haul truck could result in the detonation of a nuclear weapon about the size of that which leveled Hiroshima and Nagasaki.

Loose nuclear materials have been too loose and too free for too long around the world. This was the first and most urgent recommendation of the 9/11 Commission. Frankly, we have been moving at too slow of a pace with too little of a focus and without sufficient funding to get this problem under control.

Today's long overdue legislation is a necessary first step toward protecting the American people against these egregious consequences. This legislation properly focuses on the problem of loose nuclear material, the origins of which and the whereabouts of which we do not know. It focuses upon nuclear material that is in hands that are not properly being secured, it focuses on nuclear materials that are being properly secured, and it expedites the process of converting reactors that use highly enriched uranium to reactors that would use low-enriched uranium and, therefore, be much, much less of a risk.

For the first time, there will be a central point in the executive branch where the diplomatic intelligence, research and development and military responsibilities for bringing this problem under control will be focused and centered in one place.

The job will not be done by the passage of this legislation. But for too long we have lived on borrowed time waiting for the passage of this legislation. I would urge my colleagues on both the majority and minority side to vote "yes" and start us down the road toward solving this egregious and urgent problem.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 9 minutes to the gentleman from Florida (Mr. MICA), 5 minutes to the gentleman from Michigan (Mr. HOEKSTRA), 10 minutes to the gentleman from Michigan (Mr. UPTON), 34 minutes to the gentleman from New York (Mr. KING), and ask that each of them be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the gentlewoman from Florida?

There was no objection.

Mr. MICA. I thank the gentlelady for yielding me this time.

Mr. Speaker, I am pleased to come to the floor during what I consider to be probably one of the most important issues that we will consider, not only in this 100 hours, but in this entire session of Congress, because this issue determines and will determine the very security, not just the security as far as a terrorist attack on this Nation, but even our economic security; and the actions that are taken here have great implications.

While I believe that my good friends on the other side of the aisle are very well intended in what they propose today, unfortunately I believe they are misguided in what they are doing.

I have a copy of the 9/11 Commission report. I chaired for some 6 years the Aviation Subcommittee. I inherited it by fate of the good Lord and circumstances here in Congress. I followed from the very beginning the creation of TSA and all of the actions that we have taken from day one in protecting this great Nation against a terrorist attack.

□ 1330

I have read the proposals that are brought forth here today. Unfortunately, these proposals can result in turning in the wrong direction at this time in our vulnerability against terrorist attack. Let me be very frank, and I offered before, and I am sorry that the other side did not accept it, unanimous consent requests that we resolve into a committee for 1 hour, 1 hour of a secret session to discuss the pending threats against this Nation and also the status of our security systems in place to deal with those threats, and I was denied it. As part of the record of this Congress, now, I was denied that opportunity.

There are 54 Members who were elected, new Members, Republican and Democrat, who have not had access to that classified information. They will vote in a few hours on turning the direction of the system that we have put in place and a system we are trying to make work to protect us against a ter-

rorist attack, and we have been denied the opportunity for 1 hour in closed session, with no cameras, no public, but the classified reports.

Mr. Speaker, I am going to ask that the titles of each of the classified reports that now are in possession of the Transportation Committee be included in this part of the RECORD.

DHS OIG FINAL PENETRATION TEST RESULTS—March 30, 2004

AUDIT OF PASSENGER AND BAGGAGE SCREENING PROCEDURES AT DOMESTIC AIRPORTS

AUDIT OF PASSENGER AND BAGGAGE SCREENING PROCEDURES AT DOMESTIC AIRPORTS

FOLLOW-UP AUDIT OF PASSENGER AND BAGGAGE SCREENING PROCEDURES AT DOMESTIC AIRPORTS (UNCLASSIFIED SUMMARY)

FOLLOW-UP AUDIT OF PASSENGER AND BAGGAGE SCREENING PROCEDURES AT DOMESTIC AIRPORTS (U)

AIRPORT PASSENGER SCREENING—PRELIMINARY OBSERVATIONS ON PROGRESS MADE AND CHALLENGES REMAINING

BRIEFING TO THE CHAIRMAN, AVIATION SUBCOMMITTEE—HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE—March 31, 2004

AVIATION SECURITY—SYSTEMATIC PLANNING NEEDED TO OPTIMIZE THE DEPLOYMENT OF CHECKED BAGGAGE SCREENING SYSTEMS

AVIATION SECURITY—SCREENER TRAINING AND PERFORMANCE MEASUREMENT STRENGTHENED, BUT MORE WORK REMAINS

We have tried to make this work, and the good Lord and some efforts on behalf of many people, maybe just sheer fate, have brought us to this day and not being attacked. And last week on Thursday when I gave up that responsibility of chairing Aviation, a great mantle came off my shoulders, but I am telling you that you are headed in the wrong direction today. We have a very fragile system of security, particularly aviation security.

Now you come forth with recommendations. One recommendation dealing with cargo security is not a recommendation in this 9/11 Report. I defy anyone to find it. So what you are doing is taking our limited resources that protect us and putting them in an area that does not protect us.

We have had problems with TSA, yes. I have had four TSA administrators in 5 years. That is a problem with TSA. We have a system out there that screens passengers as they come through. And there are some improvements, I must say, that you have provided in this, but they are not the improvements we need. And now we are

telling TSA, an agency across the Potomac here in Washington to head in another direction.

We have taken the money for research and development that was first authorized, we put it in the original TSA bill, \$50 million, half of it was taken by a Senator for a pet project. The next year \$75 million, this Congress failed to act, and \$63 million was spent on salary instead of research and development for the technology to protect us. So here we go off in another direction on a recommendation I defy anyone to find in here.

Another point here, and it is nice to throw your friends a bone but this is not the time to do it. I am telling you, I am very serious about this, folks, and listen to this. These words will be repeated because this Nation is at risk, and you won't take 1 hour to even listen to what that risk is or address that risk and what you are going to do.

Nowhere in this 9/11 Commission does it say that we should give collective bargaining rights to airport screeners, to TSA screener personnel. Nowhere. We had a bipartisanship agreement when we created TSA that we wouldn't do that and put us at risk, that we needed to move people around, that we needed to fire people when we needed to do that. This is taking big government; we have 43,000 screeners, 43,000 screeners, it is taking big government and it is doing the worst thing we could possibly do is making it entrenched in big government.

We need to replace those people with technology. Here is the report: 78 percent of the personnel could be replaced that now conduct checked baggage screening. You go to the airport, you check your bags. Check your bags. The failure rate of that system that was forced into place, I tried to get us to opt for technology; instead, we spent some \$20 billion so far on this system that is reliant on people, human beings who fail. We could save 78 percent of the personnel costs. There are 16,800 people checking those bags by hand. I visited some 50 airports during August and September, and I am telling you, the system is flawed. And you are changing now to a recommendation that isn't even in this report? You are taking a big bureaucracy and making it an entrenched bureaucracy? You are putting us at risk.

This isn't a game, a political game where we score a few points and tell people we are doing something. This is about our women and children, our wives and mothers and our loved ones being put on aircraft and not having a secure system in place, and we aren't doing that with these proposals.

So maybe I am a little bit too emotional on this subject, maybe I have been too involved in this subject; but I am telling you for the sake of this country and our security. And many of the Members here have not had the opportunity to sit down and look at those classified reports. When this report was written, liquid bombs, liquid explo-

sives, does it appear anywhere in here? The terrorists that we deal with now, is it addressed anywhere here? I need to have these points in the RECORD because this deals with our national security. And I am telling you, and mark my words on this day, that our terrorist-hatred folks know what is going on. They have tested the system, they test the system, and they scope the system and they see these flaws, and they would have to be laughing to see us change our resources to go in another direction and put us at risk today.

Again, there are some good things in here. We have right now about a dozen airports with in-line high-tech systems. One of the them is the Speaker, Ms. PELOSI's, airport. It is the safest airport in the world. It has private screeners, and it has automated in-line high-tech equipment. Its capacity to find and detect threats is almost flawless. That is the model that we need; instead, we have about a dozen airports. Unfortunately, it will be 20 years at the current rate in which you propose to protect us with even that basic protection.

Mr. SKELTON. Mr. Speaker, may I inquire how much time is remaining for each side, please.

The SPEAKER pro tempore (Mr. MURTHA). The gentleman from Missouri has 7½ minutes, and the gentleman from Florida has 69 minutes remaining.

Mr. SKELTON. Mr. Speaker, in order to respond, I will yield 30 seconds to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I thank my good friend from Florida. Much of what you say is correct. But I have to refer you to the 9/11 report in the final recommendations: 9/11 public discourse project grades, checked bag and cargo screening, D. And it says in the report, in the final report, that improvements have not been made a priority by the Congress or the administration.

It is about time. And while the terrorists may know or they may not know, we have to do what we have to do, and we have to do it based upon the record.

The 9/11 recommendations are very clear, Mr. Speaker. The 9/11 Commission is in black and white right here, says it right here, received a D, and that is not acceptable to us.

Mr. SKELTON. Mr. Speaker, I yield myself 30 seconds.

My friend and colleague, the gentleman from Florida, reminds me of a law school professor who would say when someone gave a fuzzy answer, Well, read it. What does it say? And in looking at our resolution regarding the issue she raises about U.N. resolution encourages the administration to work to expand and formalize the PSI into a multi-national regime, and let me quote for my friend from Florida, "to increase coordination, cooperation, and compliance among its participating States in interdiction activities."

Mr. Speaker, I yield at this time 2 minutes to the gentlewoman from California.

Mrs. TAUSCHER. Mr. Speaker, I thank the chairman of the House Armed Services Committee for yielding time.

Mr. Speaker I rise in strong support of the 9/11 Commission Recommendations Act of 2007. Congress has reformed the intelligence community to better identify global threats and defend the United States, but for too long we have had a gaping hole in our security, eliminating the threat of weapons of mass destruction. And for too long the Bush administration and their congressional allies have left nonproliferation on the back burner. The bill before us today provides the tools we need to fight the threat of the world's most dangerous weapons. In the last Congress, I introduced the 9/11 Commission Combating Proliferation Implementation Act along with my colleagues JOHN SPRATT and MARTY MEEHAN.

The essential provision of our bill contained also in the bill before us today creates a coordinator for the prevention of weapons of mass destruction proliferation within the White House. The coordinator would also have both the budget authority over all nonproliferation programs and would also be responsible for designing and implementing a strategic plan to address the current threat levels posed by weapons of mass destruction.

Currently, nonproliferation efforts are overseen by the Departments of Energy, Defense, and State. While they all have had some success, these three large agencies are not guided by an overall plan or supported by a single individual who has the ability to ensure accountability. Because of the lack of high-level attention and leadership, some programs have either lapsed or been burdened with unrelated restrictions. Such a coordinating function has been recommended several times, including in the 1999 Deutsche Commission, to access the organization of the Federal Government to combat the proliferation of weapons of mass destruction.

As the 9/11 Commission warned: "The greatest danger of another catastrophic attack in the United States will materialize if the world's most dangerous terrorists acquire the world's most dangerous weapons."

We know the threat; now we have to act. I urge my colleagues to join me in support of this bill.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Alaska (Mr. YOUNG), a former chairman of the Committee on Transportation and an expert in that field.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentlelady for yielding.

My colleagues and Mr. and Mrs. America, this is primarily a political



gesture without a great deal of result, and that is unfortunate. The hearings are necessary, especially in cargo screening. It has been shown to us that the cargo screening port security cannot occur within our ports themselves without total cooperation from the overseas shippers to the United States.

What we are asking in this bill is expenditure of huge dollars for really window dressing and not results. As the gentleman from Florida said, we are not really in this legislation as being proposed giving us any more security. We are expending dollars in the billions in the airports, and it will be in the billions in the ports and the waterways of our Nation. And the direct result will be, and keep this in mind, Mr. and Mrs. America, a direct cost to you without any security. Every product, everything you pick up that is imported to the United States will add an additional cost, and it may make us non-competitive. There are other ports within our hemisphere that will be accepting without the security that is being offered in this bill within our ports the cargo that should be coming through our ports employing our people.

If you want true security, it will be done at the origin of shipping to the United States, and that is where we should be putting our efforts, not a charade of saying we are going to have our ports secure because we are going to put millions of dollars, billions, into the screening of everyone who works in the ports and setting up an artificial barricade of security.

There is an old saying: If you want a secure area, don't let anybody know how you secured it. What this proposal says is: national standards shall be set, and thus you shall be secure. But if I am the bad guy, I will figure around it to do good damage, bad damage to you, good damage to me. I ask you to reconsider and let's go back to the hearing process and do this job right.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. LARSEN).

□ 1345

Mr. LARSEN of Washington. Mr. Speaker, I thank the chairman of the House Armed Services Committee for yielding time.

I rise today in support of fully implementing the September 11 Commission recommendations. As a member of the House Armed Services Committee, I can say that this bill creates a new foundation of security here at home by protecting our borders, our infrastructure and our freedoms. This legislation also plays an equally important role by reenergizing our engagement abroad and creating a new foundation for security in the international arena. These provisions, particularly those dealing with the prevention of proliferation of weapons of mass destruction, are what I would like to discuss today.

We will not be safe here at home as long as the worst weapons can fall into

the worst hands. Citizens around the world will not be safe unless responsible nations work together to locate, secure and destroy global nuclear stockpiles. Today we are rightfully strengthening the leadership of the United States in these important areas.

The time for us to fully engage in the nonproliferation and counter proliferation arenas is long overdue. This bill dramatically strengthens the nonproliferation regime by both strengthening the best programs of the last decade and creating a new coordination and sanctions mechanism that will strengthen the nonproliferation mission for the future. I am particularly pleased with the provisions that will strengthen the Proliferation Security Initiative, or PSI, and the Cooperative Threat Reduction Initiative, CTRI.

With the involvement of approximately 70 nations, PSI has become the primary platform that allows us to work with our allies to search planes and ships carrying suspect cargo and to seize illegal weapons or missile technologies.

Unfortunately, until now, the future of this successful program was uncertain. Without a dedicated funding source and without integration into international law, this critical program could falter without proper administration support. This legislation works to secure the future of PSI by integrating it into both international law and to our own budget process.

And, finally, this bill provides Congress with the ability to fully support CTRI programs that are geared to lock up nuclear weapons and nuclear materials around the world. By lifting funding limitations and encouraging the program's expansion, this bill shows the world that our Nation, the United States, will strengthen its role as the global leader in combating proliferation.

Mr. UPTON. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, time moves on, but before some of us begin pretending that we are legislating on a blank slate when it comes to 9/11, I am going to take this moment in my time to remind everyone of the good work that was indeed accomplished over the last 2 years. In fact, we are also standing on the shoulders of giants who, in the face of the tragic events of 9/11, actually took action to make this Nation a safer place.

Congress's first responders were both Republicans and Democrats, and some of them were here just last session writing laws to protect America. America's firefighters, police officers, ambulance crews, the ones who received \$1 billion, "B" as in big, to help save American lives surely haven't forgotten about Congress's efforts, and neither should we.

The issue of our Nation's own security is too important to play politics with. And while some on the other side perhaps would prefer to give the im-

pression that Congress has done little, nothing could be further from the truth.

I am proud of what was accomplished and what we can do more. Indeed, we succeeded in enacting within the Energy and Commerce Committee's jurisdiction a number of provisions improving public safety communications. For example, the digital television provisions of the Deficit Reduction Act cleared 24 megahertz of spectrum in every market in the Nation exclusively for use by its first responders.

The interoperable communications provisions provided in the Deficit Reduction Act did not merely authorize funding but made \$1 billion in direct spending available for equipment to enable first responders to more effectively communicate with each other in times of disaster.

The Call Home Act accelerated to September 30 of this year the deadline for distribution of that \$1 billion for interoperable communications.

The Warning, Alert and Response Network, WARN Act, created a framework through which wireless communication providers can transmit emergency alerts to the public on a national, regional or local basis and required that the Federal Communications Commission adopt technical standards for that alert system.

The national alert provisions of the Deficit Reduction Act made \$156 million in direct spending available for use with the national alert system created under the WARN Act.

The E911 provisions of the Deficit Reduction Act made another \$43 million in direct spending available to implement the Enhance 911 Act of 2004, which provides grants to upgrade existing 911 systems for advanced capabilities.

The Department of Homeland Security appropriations legislation created an Office of Emergency Communications within the Energy and Commerce Committee's oversight. That office is directed to develop a national emergency communication plan and to report on the communications capabilities and needs of emergency response providers and relevant government officials.

These are all critical items that we have already enacted into law over the last 2 years, better preparing our Nation to respond to natural or manmade disasters.

From my own leadership spot as chairman of the Telecommunications and Internet Subcommittee, I seized on one particular recommendation offered by the 9/11 Commission. I wanted to help our first responders, and I am proud of the work that we did on a very strong bipartisan basis. First of all, we provided a slice of the spectrum for the first responders, 24 megahertz, and we saw that with Katrina as well, that our first responders in New York couldn't get the signal to evacuate the building. We saw that our folks helping folks in Katrina couldn't communicate between

the Coast Guard helicopter and the sheriff boat down below. That is going to change because we are going to give some of the responders some of that spectrum.

Second, we know that the cost for this equipment is enormously high. We provided \$1 billion in the Upton amendment, which I helped shepherd through our committee and through the conference, to provide the means for our first responders so that they could purchase the equipment. It was done. The President signed it into law.

As much as we would like to say that this could be effective today, January 8, 2007, we cannot do that. First of all, we have to get the spectrum. That means we have to retrieve it from those that are using it, in this case, the broadcasters. They have to make the transition from analog to digital. A lot of them have done that, but it is more than \$1 million often for some of these stations. We also have to think about the consumers, the millions of Americans who do not have a digital TV set. They can't receive the signal unless they have got that converter box. They aren't made yet. We have a transition for that to happen.

At the end of the day, we set a date, a hard date, when that all would happen, February of 2009. There were many that took us on that didn't want a hard date. They wanted to extend forever and a day, perhaps. In fact, there were amendments offered to delay the date even further. I would like to say that, at least on our side of the aisle, we opposed every one of those amendments to extend the deadline, and thank goodness we were successful because that date is now set. We had to work and negotiate with the Senate, with ourselves, but it is now set. It is a good thing.

We have an unmistakable record of results. Let us work together and build on them.

Mr. Speaker, at this time I yield 2 minutes to my colleague on the Energy and Commerce Committee, the honorable gentleman from Illinois (Mr. SHIMKUS), a very valuable member of our subcommittee as we helped shepherd this legislation.

(Mr. SHIMKUS asked and was given permission to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, the gentleman from Michigan outlined crucial actions we took in the last Congress to improve the use of telecommunications technologies, and I appreciate those efforts, especially as co-Chair of the E911 caucus. But our work for Homeland Security was not confined to the telecommunications arena.

One of the most important issues Congress faced last year was creating a program in the Department of Homeland Security to protect chemical facilities from terrorist attacks. The challenge was to ensure that our Nation's chemical plants could appropriately secure their facilities by providing technical guidance and over-

sight by the Department of Homeland Security but without being overzealous and allowing DHS to take over the daily management of these facilities.

We needed to prevent terrorists from using our domestic disclosure laws from obtaining roadmaps to our chemical plants' vulnerabilities. Congress also clarified the distinct reach of existing environmental and public health laws versus homeland security and chemical plant securities.

While the more conscientious members of the American chemical industry already had a head start on Congress by developing rigorous security standards on their own, Congress has now ensured that good security standards govern all significant chemical players, not just the conscientious leaders.

DHS's chemical security program is not about using the threat of terrorism as an excuse to drive American chemical factories offshore. Its purpose is just the opposite: to make certain that chemical facilities continue to be safe for these workers and communities, to ensure the viability of employment in the chemical industry for American workers, and to guarantee that all Americans can continue to enjoy the benefits of these plant products.

As Chairman Barton said last year, America does not become safer with greater levels of regulation. It just becomes more regulated.

DHS has recently proposed regulations to carry out this new chemical plant security authority, and those regulations closely follow Congress's intent in hammering out the compromise.

I look forward to working with the Department to ensure that the program gets underway and measures up to the task that Congress gave it in the Fiscal Year 2007 Homeland Security Appropriations Act.

Mr. SKELTON. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, a few moments ago, the former chairman of the Transportation and Infrastructure Committee, Mr. YOUNG of Alaska, was excoriating this side of the aisle and saying that our provisions in this bill for 100 percent scanning of containers were impractical and couldn't be done. I would simply point out that the provision in this bill is word for word the same as the provision that was negotiated by Mr. OBERSTAR and me with Mr. YOUNG and Mr. LOBIONDO and included in the bill in the Transportation and Infrastructure Committee last year by unanimous vote, supported by Mr. YOUNG and Mr. LOBIONDO, who thought it was very practical last year.

It is not impractical this year if it was practical last year.

Mr. SKELTON. Mr. Speaker, I yield 2½ minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is a good bill, long past due, but a good bill in many re-

spects, particularly in the application of this bill to the nonproliferation of nuclear materials and nuclear weapons and weapons of mass destruction.

In the debates, Presidential debates, between President Bush and Senator KERRY, there was one subject on which both candidates found common ground: They both agreed that the gravest threat to the United States is terrorists armed with nuclear weapons or crude radiological weapons. That may be the gravest threat facing us, but you wouldn't know it from the application of resources in the Defense budget today.

The 9/11 Commission, looking at what we have done, gave us a "D," a "D," on efforts to restrict access to weapons of mass destruction, particularly nuclear weapons. There are tons of weapons-grade plutonium and enriched uranium scattered about the world. For example, under the Atoms for Peace program, enriched uranium was leased or lent to countries around the world to be used in their research programs. Much of that nuclear material, some of it fissile, is loosely secured, some by no more than a chain link fence and a junkyard.

Graham Allison, who was the dean at the Kennedy School at Harvard, wrote a book about this subject and entitled it "Preventable Catastrophe" as if to emphasize, on one hand, the dire threat and, on the other hand, the fact that we are not necessarily doomed to this fate. The first thing he recommended is, we have got to keep nuclear materials secure and away from the reach of terrorists and rogue states.

This bill assembles the best of various bills and amendments that we have debated in committee, sometimes on the floor and in conference, occasionally with success, more often than not for one reason because we haven't been able to get all of our members out of the Rules Committee. But here in a nutshell is what we would do: Set up a director for nonproliferation, we need somebody who can direct this effort, oversee it, seek the funding for it and fight for it; speed up the removal of nuclear research materials or, where they can't be removed, enhance their security; expand the so-called Proliferation Security Initiative, by which the United States can seize nuclear materials on the high seas outside the United States and coordinate such interdiction with other countries; and expand the so-called Cooperative Threat Reduction program, better known as Nunn-Lugar. In cost-benefit terms, this may be the best money we have spent.

□ 1400

To date, we have deactivated 6,000 warheads, 500 ICBMs, 400 ICBM silos.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from the great State of Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I rise today to address the first responder

and emergency management reforms in this 9/11 bill.

As the past chairman of the emergency management subcommittee, I am very familiar with first responder reforms we enacted since the September 11 attacks.

While there are some improvements in this bill, the major 9/11 reforms were made under Republican leadership. Since 9/11, we have provided over \$15 billion to prepare State and local first responders. We increased funding for Fire Grants and created the SAFER grant program for hiring firefighters. We also created a billion dollar grant program for emergency communications.

Unlike the unfunded authorization in the Democrats' bill, Republican leadership provided real money. But we have done much more than simply throw money at first responders. We also enacted a comprehensive reform bill that rebuilds FEMA's capabilities and establishes a truly national preparedness system. We gave FEMA the authority and the tools they need to manage all disasters. We strengthened FEMA's regions, response teams, logistics, and communications capabilities. We established a national preparedness goal and set clear preparedness standards for State and local governments to coordinate their resources and focus on their highest risk priorities.

We established a national incident command system so that all levels of government can integrate their forces in a disaster. We created a comprehensive training and exercise program so first responders will be ready when the next big disaster strikes. And we created a comprehensive assessment and lessons-learned program so that first responders won't make the same mistakes again.

Unlike the bill before us, we made these reforms through a series of committee hearings and markups with bipartisan support. While the press releases are going to claim that this bill implements all of 9/11 Commission recommendations, the reality is that the vast majority of legislative changes were made under Republican leadership.

This is no more than window dressing. It is not good policy; it is politics.

Mr. SKELTON. Mr. Speaker, for the very first time for the gentleman from Pennsylvania to address this body, I yield 2 minutes to Mr. SESTAK.

Mr. SESTAK. Mr. Speaker, I rise today in support of this bill, H.R. 1.

If 9/11 taught us anything, it is that the leadership we most need in this Nation today is not a leadership to lead us out of a crisis, but rather a leadership that prevents such crises from ever happening.

Today is about offering such leadership. As a Nation, we have been fortunate to have wars away from our shore, "over there." But after 9/11, we saw that we now face a war here at home. And 2½ years ago a bipartisan commission provided 41 recommendations to

prevent another attack on U.S. home soil.

Few argue that the commission's recommendations are wrong. But so far their implementation generally rates Fs, Ds and incompletes. And so this legislation ensures that we will win at home by having a homeland defense that says to our adversaries, Today is not your day.

I had the honor while serving in the military of leading our youth in harm's way overseas. But 5 days ago, I became responsible for a new set of citizens, the constituents of my district. When I think about how to serve them best, and to turn their hopes into accomplishment, our foremost duty is to provide for their security this time here at home.

Our Nation needs the tools to be secure: training that can prevent a crisis and first responders with seamless communications among Federal, State, and local levels.

Today as we debate, we are reminded of what John F. Kennedy once said: "The hour is late, but the agenda is long," which is why we must act now to implement these long overdue recommendations.

So as we look at ourselves in the national mirror and say we are better than this, we can and we must change for a more secure America. We then can look our constituents in the eyes, Mr. Speaker, knowing that we did turn their hope into accomplishment here at home. I urge my colleagues to support this resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 4½ minutes to the gentleman from California (Mr. ROYCE), who is an expert on fighting international terrorism.

Mr. ROYCE. Mr. Speaker, I thank the gentlelady for yielding me this time.

I must confess, I do not understand the compulsion to integrate PSI into international law under the United Nations. I share my ranking member's concern with the fact that weakening the Proliferation Security Initiative is going to have grave consequences for the security of this country. And it is going to have grave consequences for the administration's ability to interdict weapons of mass destruction material. This needlessly empowers the United Nations to weaken our hand.

Right now the Proliferation Security Initiative is a Bush administration multilateral initiative aimed at stopping the proliferation of weapons of mass destruction, interdicting those weapons of mass destruction on cargo, whether on land or in the air or at sea. It has been around since 2003. It is an aggressive response crafted by then-Under Secretary of Arms Control John Bolton, and it checks increasingly sophisticated proliferators.

As the proliferation subcommittee I chaired in the last Congress heard in hearings, PSI has produced results. It has served as a strong deterrent to would-be proliferators, most recently conducting a joint exercise in the Per-

sian Gulf where Iran menaces. PSI cooperation has stopped the transshipment of material and equipment bound for ballistic missile programs in countries of concern, including Iran. It has had a dozen successes, and it was critical in uncovering Libya's WMD program and the A.Q. Khan proliferation network in 2003 in Pakistan.

The key to PSI is its flexibility. The key is the ability to cooperate with other countries on a moment's notice. That is something that an organization like the United Nations inherently cannot do. Yet this bill before us instructs the President to pursue a U.N. Security Council resolution to authorize the PSI under international law. Putting a successful multilateral program up to a Chinese veto strikes me as weakening PSI rather than strengthening it, as is called for by the 9/11 Commission.

In 2005, then-Secretary Kofi Annan endorsed PSI as is, with no call for a Security Council resolution. By keeping PSI flexible, it avoids the lowest-common-denominator approach that U.N.-centered initiatives inevitably take. If the majority really wanted to bolster PSI, the other body should have kept its key champion, Ambassador Bolton, in place at the United Nations.

Now, as for the legislation to authorize the President to establish an International Arab and Muslim Youth Opportunity Fund to be located as a separate fund in Treasury or through the international organization or financial organization, naming UNESCO or the U.N. Development Program as possibilities, why would we locate this fund in UNESCO or UNDP, which would surely distort its goals and mismanage its resources?

The UNDP in 2005, as Israel was withdrawing from the Gaza Strip, financed the Palestinian Authority's production of propaganda materials, banners, bumper stickers and T-shirts bearing the slogan: "Today Gaza, Tomorrow the West Bank and Jerusalem." This rightly led to protests from U.S. Representative John Bolton, who rightly called this funding inappropriate and unacceptable.

And then there is the UNDP's long record of hostility toward economic freedom. Has anyone thought through this fund? I do not think this fund was thought through, and I think a chance to go through the committee process would have allowed us the opportunity to raise these serious concerns.

Nor do I understand, frankly, the compulsion to give the United Nations this input and this ability to have the Security Council veto the authority we right now have in order to effectively use our Proliferation Security Initiative on the high seas.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, from the beginning, this Administration obstructed independent review of the 9/11 tragedy. But for the courage of the 9/11 families, we wouldn't have any recommendations to consider here.

We are not now moving “too quickly” by finally enacting recommendations in 2007 that were issued in 2004 about a tragedy that occurred in 2001.

Just as with the deepening quagmire in the Iraq civil war and the aftermath of the Hurricane Katrina debacle, this Administration wastes precious time and squanders precious dollars.

Many of those, who, by their neglect, have earned failing grades from the independent 9/11 Commission, continue rejecting this long-overdue legislation to make our families safer here at home, while at the same time they urge us to engage in more misadventure abroad.

Security in our homes, at our borders, and in our air and seaports must be given a top priority.

Mr. SKELTON. Mr. Speaker, I yield the balance of our time on this side to the chairman of the Foreign Affairs Committee, the gentleman from California (Mr. LANTOS), and I ask unanimous consent that he be allowed to control the balance of the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. LANTOS) is recognized for 66½ minutes.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have a solemn commitment to those who lost their lives in the 9/11 attacks, to the people who lived through those brutal events, and to all of their loved ones. Honoring this commitment will help spare others in our country from enduring similar pain and loss. It is the right and responsible thing to do.

We need to apply the lessons learned from September 11, 2001, including the recommendations of the bipartisan 9/11 Commission.

Mr. Speaker, until now we in the Congress have only partially met our responsibility to assure that these recommendations are fully implemented.

Today on this floor we are adopting the rest of those recommendations as we promised. As the 9/11 Commission recognized, the struggle between the forces of tolerance and pluralism and the forces of nihilism and destruction is not confined to a single dimension. It is a war of ideas as well as a war of arms. It is a challenge of diplomacy and development as well as one of intelligence and ideology. Our bill recognizes this fact in a number of ways.

It includes the commission's recommendation to establish an International Arab and Muslim Youth Opportunity Fund to help expand, improve, and modernize the public education system in the Muslim world, an idea whose time surely has come.

Our legislation directs the Secretary of State to develop a 5-year country-by-country strategy of promoting democracy, the rule of law, sustainable development, private sector growth, and open economic systems. This pro-

vision will focus on building democratic institutions and not focus on elections alone.

We are establishing a Middle East Foundation in order to facilitate the delivery of assistance to our friends in the region who are involved in civil society, to increase political participation and to foster independent media. We have sought to follow the commission's advice to restore the moral leadership of the United States by increasing our public diplomacy efforts, including the expansion of U.S. scholarship, exchange, and library programs in the Muslim world.

□ 1415

Mr. Speaker, the treatment of detainees in the war on terrorism has undermined our national security. It has eroded our moral standing in the world and made it more difficult for the intelligence services of our friends and allies to work closely with us. Our bill will provide additional review over what the administration has done to create a common coalition approach on all these matters.

Mr. Speaker, our bill also addresses U.S. policy towards three countries whose role is critical in the war on terrorism: Afghanistan, Pakistan and Saudi Arabia. It reaffirms our commitment to a stable and democratic Afghanistan so that no future terrorist acts may be launched from that country, it provides that the United States must work with Pakistan to end the use of its territory as a safe haven for Taliban and al Qaeda, and it provides us additional oversight tools over our relationship with Saudi Arabia.

Our legislation, Mr. Speaker, strengthens our efforts to keep nuclear weapons out of the hands of terrorists. It addresses the emergence of a black market in nuclear technology that has facilitated the development of nuclear programs in Iran, North Korea, Libya and elsewhere. Our legislation provides for sanctions against individuals and corporations which deal in this illegal trade in nuclear materials and technology. It will help us determine which countries are allowing such black markets to operate from their territories.

Our legislation makes significant improvements in the effectiveness of U.S. nonproliferation programs. Our bill removes all impediments to securing and eliminating so-called “loose nukes” and the dangerous nuclear material that terrorists could use one day against us.

Mr. Speaker, this is a comprehensive package that has been supported by members of the 9/11 Commission. It is not the end of our work of protecting our Nation's security, requiring constant vigilance by this Congress.

I encourage all of our colleagues to look around this Chamber as we conduct this debate. If not for the heroism of a dedicated handful of Americans, this building, this Chamber and this shining monument to democracy might well have been reduced to ashes on Sep-

tember 11, 2001. We have a commitment to ensure that the lessons of that day are a permanent part of their legacy.

Mr. Speaker, I yield the balance of my time to the gentleman from New York (Mr. ACKERMAN), the chairman select of the Middle East and South Asia Subcommittee, and I ask unanimous consent that he control the balance of our time.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ACKERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to compliment the Chairs, particularly my friend, the distinguished gentleman from California, for their hard work on this legislation. This bill was not easy in getting ready, given its size and scope, and the House owes all its thanks.

It is entirely proper that the first bill of this 110th Congress, H.R. 1, be focused on the implementation of the 9/11 Commission Report. Under the previous majority and under the leadership of the current administration, America's common defense has been shortsighted, irresponsible, poorly conceived and incompetently executed. There can scarcely be any argument that our Nation's reputation is in tatters; our finances are in disarray; our alliances are in poor repair; our deterrent posture has been weakened; and our Armed Forces have been overextended and are nearing exhaustion.

The Bush administration and the Republican Congress of the past have combined, through a posture of belligerence and torpor, arrogance and ineptitude, to make America less free, less strong and less safe. From the party that has claimed “peace through strength” as its guiding principle, we have unfortunately come to discover that “war with weakness” has been their governing practice.

But a new day has dawned, and I am proud, Mr. Speaker, that we have turned our attention so readily in this new Congress to cleaning up the mess that has been made of our national security.

We all know that hindsight offers almost perfect vision. But the great and bitter irony, indeed the great tragedy of the past 2 years, is that, in contrast to the confused and inept policy the Bush administration has pursued and that the previous Congress rubber stamped, there was and there is a readily available, easily implemented strategy waiting on the shelf.

From July 22, 2004, onward, a clear and compelling strategy for the struggle against the radical Islamic terrorists who attacked our Nation on September 11th has been waiting for us, shamefully gathering dust. It is a bipartisan strategy. It is a thoughtful and insightful strategy. And most significantly, it actually is a strategy. It is an actual and realistic plan for applying all the tools of national power

to achieve our national interests and protect our Nation from further attack.

It does not depend on the metaphysical power of the word "freedom" to transform cultures or dissolve ancient hatreds. It does not assume that elections are great sociological Band-Aids that will make everything all better; and it is not faith-based. It is not a policy which we simply announce and then hope and pray that it works.

It is a strategy that recognizes that our enemies are dangerous, but they are also vulnerable. It is a strategy that sees the difference between great nations with powerful industrial economies, and a league of violent religious zealots living in caves and on the margins of society. Our enemies are not all powerful, and it is about time that we stop trying to terrify the public in order to justify and excuse bad policy and infringements upon our civil rights.

We need to remember that whatever chaos, murder and destruction al Qaeda's leadership and the global jihadi movement have perpetrated, in truth they are not great leaders and theirs is not a great movement. They are dangerous, for sure, but they are also failures. Virtually every success the jihadist have celebrated since 9/11 have actually been the work of our own badly guided hands.

What have they marked as signs of progress? Is the civil war in Iraq the result of their unstoppable juggernaut of chaos or our recklessness in tearing down the structures of law and order and our incomprehensible unwillingness to match forces to the mission? Is the collapse of security in Afghanistan the outcome of their mighty offensive or our unconscionable passivity and penny-pinching? Is the rise in violence in the Arab-Israeli conflict the product of their clever tactics or our idiotic disengagement? And is the decline of our reputation and prestige a consequence of their brilliant public relations strategy or our fixed determination to treat Arab and Muslim public opinion as irrelevant?

The truth is that our enemies face enormous handicaps. Their goals and methods are broadly considered illegitimate, even in the countries we have most alienated. Our enemies can destroy, but they cannot create. They can impose, but they cannot inspire. Their vision of the future is, in fact, utterly unpalatable to the great mass of their own desired audience. Indeed, the grandiosity of their vision for a revived caliphate generally inspires mockery and scorn, not support or adherence.

Our enemies are a few thousand lunatics who want to put the entire world in a straitjacket of 12th century Islamic law who shouldn't be hard to defeat in a public relations war. If our situation wasn't so tragic and dire, it would be hysterically funny. If it were a movie, it would be "The Jihadi Mouse that Roared."

More than 5 years after 9/11, it is about time we put in place a strategy that takes the threat as seriously as it deserves but doesn't wrap our Nation around the twin axles of fear and ignorance. And just because our military is readily available and highly effective doesn't make it the right tool for every job.

The 9/11 Commission Report was explicit about the significance of the foreign policy components of an effective national counter terrorism strategy. Sadly, the Bush administration and previous Congress thought little of this advice. Public diplomacy was equated with campaign-style spin and flavor-of-the-month diplomatic initiatives designed to address American critics but not Arab or Muslim public opinion.

This bill takes a different tact. Instead of broadcasting our inability to steer events, this legislation will strengthen our ability to create like-minded allies. Instead of alternately yelling at Arab governments and giving them cash anyway, this legislation sets in motion efforts to strengthen our allies at the roots of their societies. Instead of sweeping bad behavior by allies under the carpet, this bill demands that the administration come clean about what has been happening in the key regions and what the United States has done in response.

There is more that must be done to right our policy in the Arab and Muslim world, and as a member of the Middle East and South Asia Subcommittee, I am looking forward to getting to work.

This legislation to implement the recommendations of the 9/11 Commission is an appropriate starting point and hopefully marks a welcome change of course. The fact that we have not been attacked since September 11th should give us no more solace than the 8 years of quiet between the first attack on the Twin Towers and the day that they were destroyed.

We may only hope that our continuing efforts will hold the next attack in abeyance indefinitely. As the President likes to remind us, we are safer but not yet safe. Today's legislation implementing the 9/11 Commission Report is not a panacea, but it will make us safer still. I strongly encourage all Members of the House on both sides of the aisle to support this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), who represents a district made up of many families who lost loved ones on 9/11 and has a staff member who also suffered a terrible loss on that horrific day.

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend from Florida for yielding.

Mr. Speaker, when terrorism crashed through our national borders and

claimed the lives of nearly 3,000 Americans, including over 50 men and women from my district in New Jersey who were in the World Trade buildings that day, I advocated early and consistently for a commission to chronicle the lessons learned from the 9/11 tragedy and to develop a well-informed, thoughtful strategy to reduce the risk of future terrorist attacks.

The commission's report and subsequent legislation were thoroughly examined by House committees, including the two hearings that I chaired, one in the Committee on International Relations on visa reform and recommendations for enhanced U.S. diplomacy, and the other in the Committee on Veterans' Affairs on emergency medical preparedness.

The scrutiny given to the report by previous Congresses was robust, thorough and fair, and although prior legislation implemented numerous important measures that have bolstered our national security, indeed, much has already been done, we must always be diligent in implementing new and expanded means for responding to developing threats.

□ 1430

Our enemies as we all know are constantly on the prowl searching for our vulnerabilities, and our ability to remain ahead of them is critical for our very survival.

Mr. Speaker, the legislation before us today is yet another attempt in trying to distribute the majority of homeland security and first responder grants based on the risk of terrorism. New Jersey is the most densely populated State in the Nation with at least a dozen sites placed on the FBI's national critical infrastructure list. I, along with members of our delegation in New Jersey, have maintained, like a majority of this House and like the Bush administration, that the Department of Homeland Security's first responder grant system was flawed and needed to focus on critical infrastructure rather than on minimum guarantees and a simple population count. The risk formula established by this bill, which will face tough sledding over on the Senate side, will ensure that the Department of Homeland Security thoroughly and accurately evaluates the risks that New Jersey and other States and locales face rather than just doling it out like it's pork-barrel money.

Mr. Speaker, I appreciate title VI's provisions that recognize and address the often overlooked correlation between terrorism and human trafficking and smuggling. In addition, like many here in this room, I applauded the creation of the Privacy and Civil Liberties Board 2 years ago. Unfortunately, it has not been implemented in a way that matched the intent of the law nor in the way that the 9/11 Commission had recommended.

H.R. 1 does include significant reforms that would strengthen the efforts of that board by making it an

independent agency and giving it subpoena power. These provisions will ensure that the government is protecting America's privacy while still doing everything in its power to protect our Nation from a terrorist attack.

I support H.R. 1 and strongly recommend its passage.

Mr. ACKERMAN. Mr. Speaker, I am pleased to yield to the distinguished gentlewoman from California for a unanimous-consent request.

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, I rise in strong support of H.R. 1.

As I have said many times, terrorists won't check our party registration before they blow us up. The American people know this. And they expect us to protect them in spite of many barriers—personal, institutional, and political—that often gridlock the legislative process.

Mr. Speaker, keeping America secure is our sworn constitutional duty. This bill, which includes measures considered over the past 2 years by Chairman THOMPSON and the Homeland Security Committee, is important. If it becomes law, it will make us safer.

Let me highlight a few items.

First, a strengthened Privacy and Civil Liberties Board. Originally created as part of the Intelligence Reform Act of 2004, the Board is reestablished as an independent agency with subpoena powers and all five members are subject to Senate confirmation. That is a good thing, and something Speaker PELOSI urged as the Intel Reform bill was written.

Second, a greater allocation of Homeland Security grants based primarily on risk, rather than the "squeaky wheel" theory. My own District includes portions of LAX and the Port of Los Angeles. But other cities and States are also subject to significant risk—from obvious targets like New York and Washington, to smaller communities with nuclear or chemical facilities. Congress must direct its limited resources where threats are greatest, period.

Third, intelligence and information-sharing. I believe reforms at the Federal level are beginning to take hold—though I wish the Intelligence Committees in Congress would get budgetary authority, as the 9/11 Commission recommended.

H.R. 1 focuses on providing State and local first responders more of the intelligence tools they need. For example, it requires DHS to deploy officers to border State fusion centers, and permits State and local authorities to send detainees to DHS.

It is locals, after all, who will be most likely to know what's wrong in their neighborhoods. And so we must trust and empower them to act.

Finally, interoperable communications. I salute our colleague Representative LOWEY for her persistence. Without interoperable communications, we won't have the ability to stop or respond to major attacks.

H.R. 1 is aptly numbered. It is this House's first responsibility. Vote "aye."

Mr. ACKERMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman, a member, the chairwoman actually of the House Administration Committee, Ms. MILLENDER-MCDONALD.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank my friend for giving me this time.

Mr. Speaker, I am very pleased to rise and offer my support and brief comments on this measure before the House today, the 9/11 Commission Recommendations Implementation Act. This act reflects our determination to strengthen the United States' efforts to combat terror on these shores and as such is commendable and prescient.

It is clearly in our national best interest to pass this productive legislation and fulfill yet another promise to the American people. Productivity and focus of this kind were clearly demanded by the American citizens in the 2006 national elections. The 9/11 Commission Recommendations Implementation Act is far reaching, and it encompasses a multitude of endeavors critical to ensuring our Nation's security.

We must pass this legislation, Mr. Speaker. This legislation is critical. This legislation is important. This legislation is what the American people have asked us to pass. One such endeavor that I particularly am pleased to see in this legislation is the strengthening of port security. In my district and in surrounding areas, we have the largest port complex, the Los Angeles and the Long Beach port security. This bill talks about, and we will put into place by phasing in the requirement for 100 percent screening of cargo containers bound for this United States.

Before this 110th Congress, the Congress before us did not put this in any piece of legislation. This is important because if we are going to safeguard and bring national security to this country, we must look at the cargo that comes and passes through these ports.

The other thing, Mr. Speaker, is aviation security. This bill will require and direct the Department of Homeland Security to establish a system for inspecting 100 percent of cargo carried on our aircrafts. I heard earlier on the floor that we need high tech. This is what this bill is talking about, bringing about high technology that will screen the cargo that is carried aboard our aircraft.

It is important that we pass this piece of legislation because this legislation is important to ensuring that we have national security and a secure America. I call on Congress to pass this legislation today and to implement it as quickly as possible because of the importance of this piece of legislation.

The other thing that we have here that requires our looking at and passing this bill is that the 9/11 Commission gave us a C grade on passenger screening at checkpoints to detect explosives. We must pass this legislation so that the American people will be safe.

Mr. ACKERMAN. Mr. Speaker, I am pleased to yield to the gentleman from California (Mr. SHERMAN) 3 minutes.

Mr. SHERMAN. I thank the gentleman for yielding.

I would like to thank Speaker PELOSI and our leadership for putting together

an outstanding bill and thank Mr. LANTOS and the leadership of our committee for the provisions within the jurisdiction of the Foreign Affairs committee. I expect to be the chair of the subcommittee of the Foreign Affairs Committee that deals with terrorism and nonproliferation, and I want to focus on those matters in my short presentation here today.

The most important issue facing the United States and certainly the most important part of this bill deals with preventing nuclear attack on American cities. Since a nuclear bomb is about the size of a person, it could be smuggled into the United States inside a bale of marijuana. Now, I know that this bill will deal with port security, but we cannot expect our ports or our borders to be airtight. The key is preventing the worst people from getting their hands on the worst weapons. This bill implements several provisions that will be helpful in that regard.

First, it authorizes all funds necessary for the Nunn-Lugar program to help Russia get control over its thousands of potentially loose nukes, the weapons left over from the Cold War. Second, it authorizes all funds necessary for the Global Threat Reduction Initiative to get control of the 20 tons of highly enriched uranium at various nuclear reactor sites around the world, many of them unsecured. But I want to emphasize, this bill only authorizes funds and it will be meaningless unless we appropriate the funds, and I look forward to an appropriation bill that does just that as quickly as possible.

This bill imposes sanctions limiting the sale of U.S. weapons to those who provide centrifuges to Iran. I hope the administration will be able to report to us, before they send the F-16s, that Pakistan has verifiably and permanently halted its aid to the Iranian nuclear weapons program. This bill will do a lot, but we have to do more to prevent nuclear weapons from falling into the worst hands.

The bill also contains important provisions dealing with public diplomacy and youth education. I think that the United States should print the textbooks for the poorest nations in the world. In doing so, we can help parents in such poor countries—that make only a dollar a day or less—who are required to provide textbooks for their kids or their kids can't go to school. At the same time we can assure American taxpayers that our tax dollars are being used to help kids and not to teach hate. I look forward to a foreign aid bill that focuses on the textbook needs of those in the poorest countries in the world.

Ms. ROS-LEHTINEN. Mr. Speaker, I am now pleased to yield 3 minutes to the gentleman from California (Mr. ROHRABACHER), who understands the dangers of turning over U.S. national security concerns to international organizations.

Mr. ROHRABACHER. Mr. Speaker, there are positive, even necessary, elements of this legislation; but nevertheless it is flawed. A major flaw reflects



what I believe, I think I state, a wrong-headed approach which is favored perhaps by the new majority of this current Congress.

Mr. Speaker, today I rise in strong support of a motion that will be offered later, the motion to recommit H.R. 1. That motion is aimed at removing this damaging flaw that is currently part of the bill. The Proliferation Security Initiative, or the PSI, is a vital program created by the United States in which we team with 14 other partner countries to catch terrorists who attempt to transfer weapons of mass destruction. We created this program so that the United States and our allies could operate independently and quickly without bureaucratic interference to stop the world's most dangerous terrorists. The PSI has been effective due to its independence as well as the member countries' commitments to stop these weapons transfers.

This, as I say, has been an effective effort. It was created by Americans. It was led by Americans. And the decisions made were essentially under the leadership of Americans. The new majority in this House seems to favor a more multilateral approach which would be led by international organizations, in this case the United Nations.

If H.R. 1 passes in its current form, so will a sense of Congress that says our Proliferation Security Initiative should be authorized by the United Nations. Our new majority in Congress appears more interested in catering to unelected bureaucrats at the United Nations than in stopping proliferation of weapons of mass destruction. This is not only a dangerous mistake; it runs totally counter to the principles we have followed thus far in our country where Americans should be the main determinants of those elements and those decisions that so much affect our security.

Now, I understand that the new majority prefers a more global approach which, of course, would leave us dependent on international bodies like the United Nations. But that is not an approach that I believe will make this country safer as reflected in this legislation. A sense of Congress that says we want to cede our power to the United Nations on any issue such as this but especially on matters of U.S. national security is a mistake.

I encourage my colleagues on both sides of the aisle to correct this harmful error in H.R. 1 and vote in favor of the motion to recommit. And as we face these decisions in the future, as we make these very important decisions and as we develop legislation like this, let's remember our obligation is to the people of the United States. Our obligation is not to curry favor with unelected bureaucrats at the United Nations.

Mr. ACKERMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I rise today in support of H.R. 1, to imple-

ment the 9/11 Commission recommendations. Unfortunately, the Republican leadership in the last Congress refused to do so, and I am glad we are doing it now.

As a New Yorker, I understand the serious concerns about homeland security, and I have long argued in favor of a formula funding based on risk. In the 109th Congress, Mr. FOSSELLA and I introduced the Responsible Bioterrorism Funding Act of 2006, which directed the Department of Homeland Security to develop a funding formula based on risk. Unfortunately, again the Republican Congress did not pass our bill. So in 2006, as a result, New York's homeland security funding was cut by 40 percent. Thus, per capita in New York we received \$3 per resident while other States received as much as \$60 or more.

No State has a higher risk of terrorist attack than New York, so the new funding formulas proposed in this bill will allocate funding based on risk rather than an across-the-board funding level as established in the PATRIOT Act. This is very, very important and this bill strikes the balance between allocating most of the funding based on risk while ensuring that each State has the proper funding to reach a level of preparedness.

I also stand in strong support of title II of this bill, which establishes a communications interoperability grant program. I have worked on this as well. I believe this is a good part of this bill, and I strongly urge my colleagues to vote for it.

Ms. ROS-LEHTINEN. Mr. Speaker, I am now pleased to yield 3 minutes to the gentleman from Illinois (Mr. KIRK), a proud vet who understands the threat of terror internationally.

Mr. KIRK. Mr. Speaker, I rise in support of this legislation, especially its new security requirement for Pakistan to continue to receive U.S. taxpayer subsidies.

□ 1445

After September 11, the government of Pakistan performed admirably, allowing U.S. Army supplies to help our campaign in Afghanistan to end the Taliban dictatorship. The Pakistani military also moved into the lawless tribal areas where Osama Bin Laden sought refuge.

But that record of cooperation against Bin Laden has dramatically weakened over the last 9 months. In a set of two agreements, the government of Pakistan has largely given up on the conflict against Bin Laden and his Taliban allies. In two agencies along the Afghan borders, North and South Waziristan, al Qaeda and the Taliban now have safe havens immune from action by the regular Pakistani military. They are now at rest, slumbering in garrison, marvelously inactive against foreign terrorists operating on Pakistani soil.

This issue directly concerns the safety of Americans, both here and abroad. Waziristan and Pakistan could now be

called "al Qaedaistan," as terrorist leaders have led organization efforts in attacks against Afghan territory.

Recently I accompanied Senators MCCAIN and LIEBERMAN to visit our garrison in Khost, Afghanistan, where they reported a 500-percent increase in attacks against their outpost organized from these regions of Pakistan.

Mr. Speaker, we need to pass this legislation to send a message to Pakistan that you must continue to work with the United States and our NATO allies in Afghanistan against the Taliban and al Qaeda. A policy of safe havens and sanctuary for these people will not work, has not worked, is not working and represents a direct threat, first to Americans in uniform stationed in Afghanistan and later to our allies in Europe and America itself.

Mr. ACKERMAN. Mr. Speaker, I yield 1 minute to the distinguished gentleman, ADAM SCHIFF.

(Mr. SCHIFF asked and was given permission to revise and extend his remarks.)

Mr. SCHIFF. Mr. Speaker, one of the most important findings of the 9/11 Commission was that the failure to anticipate the attack was a failure of imagination. The idea of such an assault was so abhorrent it was difficult to think about.

We cannot know for sure what form a future attack may take, but as we struggle to prevent it, we must be willing to consider the most horrific possibility, a nuclear or biological attack on an American city. The idea of 100,000 people killed in an instant is an idea too terrible to contemplate. But to ignore this threat, or fail to act upon it with the greatest urgency is to be grossly, criminally, negligent with our Nation's security.

Osama Bin Laden has termed the acquisition of weapons of mass destruction "a religious duty." He has called for an American Hiroshima. This is his *Mein Kampf*.

H.R. 1 includes many of the best ideas from around the country on how to combat nuclear terrorism. But the one fundamental idea is, we must prevent terrorists from acquiring nuclear weapons or material because once it is acquired, it may be too late. This bill will strengthen the Global Threat Reduction Program and accelerate the global clean-out of the stockpiles around the world. And I urge everyone's support.

Mr. Speaker, I rise in strong support of this bill, which is long overdue and I commend the Speaker and other members of the Leadership for making this a priority.

One of the most important findings of the 9/11 Commission was that the failure to anticipate the attack was a "failure of imagination." The idea of such an assault was so abhorrent that it was difficult to think about. We cannot know for sure what form a future attack may take, but as we struggle to prevent it, we must be willing to consider the most horrific possibility: a nuclear or biological attack on an American city. The idea of 100,000 people killed in an instant, is an idea too terrible to

contemplate, but to ignore this threat, or fail to act upon it with the greatest urgency, is to be grossly, criminally negligent with our Nation's security. Osama bin Laden has termed the acquisition of weapons of mass destruction "a religious duty." He has called for an American Hiroshima. This is his *Mein Kampf*.

H.R. 1 includes many of the best ideas from around the country on how to combat nuclear terrorism. But the one fundamental idea is that we must prevent terrorists from acquiring nuclear weapons or material, because once they are acquired, it may be too late.

Programs throughout the government are struggling to secure nuclear weapons and materials around the world, and prevent nuclear trafficking. But there is little overall organization of these efforts. That's why our bill establishes a Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism in the Office of the President. The Coordinator will formulate and coordinate a comprehensive strategy for U.S. nonproliferation activities, oversee all nonproliferation and nuclear terrorism prevention programs, and advise the President and Congress on the progress that each program is making.

To assist the Coordinator, this bill establishes a bipartisan blue-ribbon commission to assess the current state of U.S. nonproliferation and nuclear terrorism prevention activities, develop a clear, comprehensive strategy, and identify the areas in which accelerated effort is most urgent.

Currently, the President must certify that Russia is meeting certain conditions before authorizing the release of Cooperative Threat Reduction funds. This has caused delays in shielding vulnerable weapons when the President was unable to fully certify Russia. This bill removes those restrictions, granting the President more flexibility in negotiations with Russia. It also gives the President the flexibility to direct Cooperative Threat Reduction funds outside of Russia when necessary.

The bill will strengthen the Global Threat Reduction Program, to accelerate the global clean-out of the most vulnerable stockpiles of nuclear material. At the current pace, cleaning up the most vulnerable nuclear sites around the globe will take more than a decade. Given AQ's desire for these weapons, how can we be assured that we will have this much time—we can't.

The bill also urges the President to expand the Proliferation Security Initiative, an international program to intercept weapons of mass destruction shipments. It encourages joint training exercises, particularly with China and Russia, to strengthen our cooperation on security issues, and encourage them to adopt strict standards for WMD security. U.N. Security Council Resolution 1540 broached the idea of international standards for securing nuclear material, but was brief on the specifics. Now the U.S. must take the lead in establishing those standards, through organizations like the Proliferation Security Initiative.

I hope everyone can support this long-awaited overhaul to our anti-nuclear-terrorism efforts.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. FOSSELLA), who has many families who lost loved ones in 9/11 in his district.

(Mr. FOSSELLA asked and was given permission to revise and extend his remarks.)

Mr. FOSSELLA. Mr. Speaker, at the outset, let me just thank the majority for bringing this bill to the floor because I think most Americans want Democrats and Republicans to ensure that all America remains safe and secure, and not to repeat another September 11. And, by and large, there are some very good elements in the legislation.

But let me, right at the outset, request that as we go forward, there are some specific concerns that New York City has that I think need to be addressed. First is the notion that the city itself cannot apply directly. It must go through the State without any requirement for the State to get the funds to the localities like New York City. We know by now that New York City has specific needs, and therefore, I believe should be addressed.

The same would apply to what could be a duplicative process whereby the grant program, and as someone who was involved in the establishment of the first grant program under the Department of Commerce, where, as we speak, the NTIA is in the process of preparing guidelines, my concern is that we don't get into a situation where there are two different agencies getting into a bureaucratic trap which will prevent the flow of money.

Most important, however, is the fact that we know that one size does not fit all. And I speak specifically that, under the current bill, there could be, and I think will be, a problem with the restriction to Section 306. And that is that over the last 10 years, New York City has dedicated a lot of money and, in the last 5 years, since 9/11, almost \$1 billion to upgrade its interoperability capacity to allow firefighters and police officers to talk with each other.

Now, under this bill, we are essentially saying that everyone must use the 700 megahertz in the spectrum. New York City cannot. As I say, they have developed and deployed \$1 billion plus in the 400 and the 800 megahertz of the spectrum. Why? Because they found it easier to use that for communicating into the subways, into high rise buildings. And the last thing I think this Congress wants to be on the record for is to essentially tie the hands of New York City, undo much of the good work that has taken place over the last 5 years, and allow New York City and other localities that have unique and specific needs to continue to deploy and build on the networks that they have put in place. I think it would be a big mistake. I encourage the majority to consider this as the process goes forward.

I make no mistake and make no hesitation in suggesting that this will hurt and punish New York City and the millions and tens of millions of people who come there annually to visit the greatest city in the world.

Mr. ACKERMAN. Mr. Speaker, it is my pleasure to yield 1 minute to the distinguished gentlewoman from Pennsylvania, ALLYSON SCHWARTZ.

Ms. SCHWARTZ. Mr. Speaker, I am proud to stand here today as we deliver on one of the most important campaign promises our party made to the American people, implementing the 9/11 Commission recommendations. Today we will take steps to improve our Nation's aviation, port and transportation security. We will strengthen government intelligence and information sharing, and we will prevent terrorists from acquiring weapons of mass destruction. And we will create a dedicated source of funding to provide first responders with communications interoperability equipment that will allow our first responders to communicate across departmental and jurisdictional lines during emergencies.

It was over 5 years ago when evacuation orders were not heard in the towers of the World Trade Center because police and fire fighters and other emergency personnel simply could not talk to each other. The Federal Government failed to act. And these same communication problems happened again during the failed response following Hurricane Katrina.

As a representative of the Philadelphia region, a major population, commerce, and transportation hub, I share the opinion that we have to do something about this. It is scandalous not to act.

Mr. Speaker, I am proud to stand with you as we deliver on one of the most important campaign promises our party made to the American people.

Today, we will implement the bipartisan 9/11 Commission's recommendations. And, today we will make our Nation safer.

We will: improve our Nation's aviation, port and transportation security; strengthen government intelligence and information sharing; help reduce the appeal of extremism abroad; and prevent terrorists from acquiring Weapons of Mass Destruction.

We will also create a dedicated source of funding to provide first responders with communications interoperability—the type of equipment that allows local, state, and regional first responders to communicate with one another during emergencies.

We know that the inability to communicate across department and jurisdiction lines impedes first responder's ability to address emergency situations. It was over five years ago when evacuation orders were not heard in the towers of the World Trade Center because the police, fire fighters and other emergency personnel simply could not speak to each other.

Despite this, the Federal Government failed to act and these very same communications problems happened again during the failed response and recovery efforts in the Gulf region following Hurricane Katrina. Prompting, in part, Thomas Kean, former chair of the 9/11 Commission, to call the Republican-led Congress' lack of progress on this issue scandalous.

However, local communities across the Nation have been moving forward—despite little leadership from the Federal level. In my region, the Philadelphia Police Department along with Southeastern Pennsylvania Transit Authority are working to address the fact that

their radio systems are not compatible—making it virtually impossible for them to communicate should a coordinated response be necessary.

I have been working closely with city and transit officials to find interim remedies to this problem. However, it has been a difficult task, in large part, because of the lack of guidance and resources provided by the Federal Government. In fact, when they applied for a grant to help fund an interoperable communications system, the Department of Homeland Security denied their request. This denial leaves the city of Philadelphia, its transit system and the millions of daily riders, residents and workers in the region vulnerable to attack. It also leaves the city's first responders less prepared than need to be to protect the fifth largest metropolitan region in the country.

But, Mr. Speaker, today is a new day. It is a day when Congress acknowledges our Nation's first responders—police officers, fire fighters, medics. It is a day when we give these brave women and men the tools to properly aid their fellow Americans in need of help.

The aptly numbered bill—H.R. 1—will pass this body within the first 100 legislative hours of the 110th Congress, and it demonstrates that the Democratic-led Congress' top priority is protecting and ensuring the safety of the American people.

Thank you and I urge a "yes" vote on implementing the recommendations of the 9/11 Commission.

Mr. ACKERMAN. Mr. Speaker, I am very pleased now to yield 2 minutes to the gentleman from Queens and the Bronx, New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from Queens and Nassau County, Mr. ACKERMAN, for yielding me this time.

I listened very closely to my colleague from Staten Island, Mr. FOSSELLA, and his concerns about any disadvantage that New York may suffer under passage of this legislation. It is not our intention or anyone's intention to have New York be disadvantaged in any way, shape or form. And I will continue to work with him, as we have done in previous Congresses, to help make sure that New York is not disadvantaged.

But Mr. Speaker, I rise in strong support of H.R. 1. After the awful events of September 11, our Nation joined together to construct ways to prevent this from happening again and for better protecting our homeland.

But this administration, the Bush administration, and Congress then refused to act or to listen properly. The Republicans refused to implement commonsense recommendations ensuring Federal Homeland Security dollars went to places where they were actually needed.

The Republicans did not take threat or risk assessment into account for protecting our homeland. Rather, the Republicans took politics into account.

Democrats are fixing these problems and providing real security to all 300 million Americans, regardless of political persuasion. Democrats are making sure all of our first responders in

harm's way are given the training they need to perform and protect our citizens. Democrats are cracking down on loose nukes and strengthening nuclear proliferation to keep weapons out of the wrong hands.

For over 5 years I have heard the Republicans play politics with homeland security and with the lives and the memories of the 3,000 people who were murdered on 9/11. Their scare tactics expired this November when the American people demanded real change.

Homeland security is about protecting the homeland and not politics or 30-second ads. We Democrats recognize that.

After 6 years, America is moving in a new direction. It is moving forward, Mr. Speaker. Let's protect America. Let's implement the 9/11 Commission's recommendations and let us move forward.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume, the remaining time.

We have seen, Mr. Speaker, how ineffectively the United Nations Security Council has been in compelling Syria to stop its support for terrorist activities in Lebanon or at least keeping to its own deadlines regarding Iran's nuclear program.

After decades of rampant anti-Americanism at the United Nations, after decades of opposition and obstruction regarding virtually every aspect of U.S. foreign policy, no one can truly believe that the United Nations Security Council would draft its resolutions to advance the interests of the United States or that any U.N. entity would help the U.S. image in the Arab and Muslim world.

I need only point to the continuing efforts by Russia and China to hobble U.S. efforts at the U.N. that would seek to apply pressure on Iran to abandon its nuclear weapons program.

Let us consider the UNDP, for example. In 2005, as Israel was withdrawing from Gaza, financed by the Palestinian Authority's production of propaganda materials, it included banners, bumper stickers, T-shirts bearing the slogan: "Today, Gaza; tomorrow, the West Bank and Jerusalem." This is the United Nations.

This rightly led to protests from then U.S. Ambassador to the United Nations John Bolton who rightly called this funding inappropriate and unacceptable.

And we know the record of the UNDP of hostility toward economic freedom. Has anyone really thought this through? This needs to be revamped, and the bill before us does not address that in a correct way to have it be pro-U.S. and pro-U.S. national security.

Mr. Speaker, I yield back the balance of my time.

Mr. ACKERMAN. Mr. Speaker, I am delighted to yield 1 minute to the gentlewoman from the Capital of the United States, Washington, DC, Ms. ELEANOR HOLMES NORTON.

Ms. NORTON. Mr. Speaker, 5 years after 9/11, we still have no national se-

curity strategy for securing public transportation, the principal form of transportation most Americans use, 9 billion passenger trips annually. No wonder the 9/11 commission gave a C minus grade.

This bill rescues us by requiring the Department of Homeland Security to develop risk-based priorities for transportation security and, finally, a strategic information plan so that the private sector, which owns our modes of transportation, can share information with one another.

Mr. Speaker, the terrorists have changed their focus, as Madrid and London made clear. We have not.

I was the sponsor of the Secure Trains Act. It had no Republican sponsors; many Democratic sponsors.

After 9/11, we promised we would never be caught flatfooted again. This bill finally gets us up on our feet and rescues us from a zero strategy on public transportation and public transportation from being the stepchild of national security.

□ 1500

Mr. HOEKSTRA. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, for a bill that is supposed to carry out a series of partisan campaign promises on national security and homeland security issues, what is most notable about this bill is actually the many areas that it highlights where there has been bipartisan agreement, not only on the provisions of the 9/11 Commission that should be implemented, but just as importantly, those recommendations that should not be implemented.

In the 109th Congress, the House acted to address many of the recommendations of the 9/11 Commission. A number of these reforms were included in the Intelligence Reform and Terrorism Prevention Act, in which the Intelligence Committee played a prominent role. Others were addressed and refined in later legislation.

On intelligence matters, many of the items in this bill are duplications or slight modifications to initiatives that were already put into place during the preceding Congress, such as support to the fusion of border intelligence and provisions to facilitate greater information sharing on homeland security.

As another key example, this bill would create a new Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism. This duplicates and complicates the work of the National Counterproliferation Center created in the Intelligence Reform bill.

I also think it is important to point out that contrary to campaign promises, this bill does not implement all of the recommendations of the 9/11 Commission. Let me note a few, the intelligence budget, and paramilitary activities, that it does not address at all.

This bill is following the lead of the previous Congress and not implementing the two recommendations

that were not warranted, declassifying the amount of the intelligence budget and making the Department of Defense the lead for all paramilitary operations. These decisions were right for our national security on the merits in the last Congress, and they are still right for our national security now.

I appreciate that this bill follows and reinforces Republican positions on these issues where the 9/11 Commission recommendations were not good policy. This bill also curiously omits another explicit recommendation of the 9/11 Commission that the majority party's representation on the intelligence oversight committee should never exceed the minority's representation by one. If the new majority wants to claim that it has implemented all of the 9/11 Commission recommendations, it cannot pick and choose to implement all of its recommendations except the ones that involve their own power.

Later today, the House will also consider a resolution that purports to address the 9/11 Commission's recommendation to consolidate intelligence oversight in Congress and enhance the influence of the authorizing committee on the appropriations process. The proposal will not accomplish the objectives sought by the 9/11 Commission.

The 9/11 Commission recommended that the authorizing committee also become the Appropriations Committee. The last Congress thought that that was a bad idea, and we didn't do it. The proposal in front of us today will further add complication and confusion by creating a third group in the House with responsibility for intelligence. Actually, in the last Congress, we pretty much achieved what the 9/11 Commission was trying to accomplish, where we had basically a seamless integration of the Intelligence Committee authorizations bill reflected in the appropriations bill.

I also want to point out that this bill was flawed in much more than its failure to promise to fully implement the commission recommendations. As ranking member and former chairman of the Permanent Select Committee on Intelligence, I am concerned that parts of it have significant potential to impact our Nation's critical intelligence programs and capabilities. Even worse, these provisions were developed outside of regular order, without any participation from the relevant committees.

I want to briefly note my concerns with two of these provisions. Section 1433 of the bill would require the United States to "develop a common coalition approach" with respect to detainees. This proposal is much broader in scope and effect than the actual recommendation of the 9/11 Commission, and it is bad policy. I would hope that all Members of the House would be in agreement that the law should not require the United States of America to ask for the permission of other coun-

tries, even our partners, to gather intelligence from and deal effectively and appropriately with detainees and terrorists who threaten our national security.

In addition, this proposal would significantly implicate an already challenging area by requiring us to reconcile newly clarified detainee authority with the policies of some nations whose legal authorities protecting human rights are nowhere near as well developed as ours. In addition, this bill would reopen previously negotiated and resolved issues by making the Civil Liberties Board an independent body in granting its subpoena authority. Overall, it would complicate intelligence.

Mr. ACKERMAN. Mr. Speaker, I yield 1 minute to one of our newest Members, but very distinguished already, the gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. Mr. Speaker, as many of the new Members ran on a promise of bringing change to Washington, one of the key areas of that new direction was the responsibility of securing this Nation. In July of 2004, the bipartisan 9/11 Commission issued a comprehensive series of recommendations and urged this body and the leaders of this country to take prompt action to implement those recommendations and make us safer.

Today, in just the second week of our majority, the Democratic House of Representatives will pass legislation that will address the 9/11 recommendations and make the American people safer and more secure.

Just yesterday, the 9/11 Commission Vice Chair, Lee Hamilton, a former Member of this body, stated the bottom line is that if this bill, H.R. 1, is enacted, funded and implemented, then the American people will be safer because it carries out the recommendations of the commission.

I am proud to be part of this effort to implement those recommendations, and I am proud because that was a promise made to the Members of our constituents last fall. Action on this critical issue of securing our Nation is long past due. The citizens of our great Nation are calling for change. In the area of national security, the time for change has arrived.

Mr. ACKERMAN. Mr. Speaker, I am doubly pleased to yield 1½ minutes to the final speaker, the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. On 9/11, many of us were here in the Capitol. As we saw smoke billowing from the Pentagon, we recognized the direct threat that faced our country. We stood together on the steps of this buildings, Republicans and Democrats together, and promised the American people that we would do our best to secure this Nation.

But we have failed the American people. The 9/11 Commission graded the administration in this Congress with five Fs, twelve Ds, and nine Cs; and we must accept no less than straight As. Our Nation responded with over-

whelming support to the commission's recommendations, and that is why I urge all of you to join me today in voting for H.R. 1.

This bill will make us safer, but it is just a first step. A TV station in Houston recently uncovered serious security holes at the Port of Houston. I mean that literally, holes. As they walked along the perimeter, they found several holes in the fences. This security breach at one of the Nation's largest ports is unacceptable.

Today this threat, this hole in our Nation's security, is being patched. Our safety is nonnegotiable, and we can no longer shortchange our ports. A vote for this bill today demonstrates our dedication to securing our Nation. It is a first step towards truly securing the Nation from threats, not only in our backyard, but to threats half a world away.

When I go home this Friday and greet the hardworking men and women of the 22nd Congressional District as they leave their plants and port facilities where they work, I can thank them for the risk they take every day and look them in the eye and finally tell them they will be safe and so will our country.

Mr. Speaker, let us have no more smoke. Let us have no more holes. Let us do the right thing and pass H.R. 1.

On September 11, 2001 many of us were here in the Capitol. As we saw the smoke billowing from the Pentagon, we recognized the direct threat that faced our country. We stood together on the steps of this building, Republicans and Democrats together, and promised the American people that we would do our best to secure this nation. But for far too long we have failed the American people. In 2005 members of the 9/11 Commission graded both the Administration and Congress with 5 F's, 12 D's, 9 C's, and 2 Incompletes. We must accept no less than straight A's. Our nation responded with overwhelming support of the Commission's recommendations, and as their representatives, we should implement them. That's why I urge all of you to join me today in voting for H.R. 1. This bill will make us safer, but it's just the first step.

For too long we have ignored the threat and been unwilling to meet the challenge. This is a challenge that we ignore at our own peril. Our Nation's seaports handle over 95 percent of our foreign trade worth over \$1 trillion a year. The 9/11 Commission report concluded that terrorists have the "opportunity to do harm as great or greater in maritime and surface transportation" than the 9/11 attacks. In 2003 the Coast Guard estimated that it would need \$7.2 billion to fully implement the security requirements of the Maritime Transportation Security Act. Until recently, Congress had only provided \$910 million for port security since the 9/11 attacks. We must fulfill our responsibility by fully funding these provisions, providing appropriate oversight and ensuring that these measures are implemented efficiently and effectively. Our safety is non-negotiable, and we can no longer short-change our ports.

In fact, a local TV station in Houston recently uncovered serious security holes at the Port of Houston, which borders the 22nd district. And I literally mean holes. As they

walked along the perimeter they found several holes in the fence. This is a fence that is meant to deter terrorists, yet there it is helping them gain access to these crucial facilities. This serious security breach at one of the nation's largest ports in one of the nation's largest cities is unacceptable. And today this threat, this hole in our nation's security and my constituents' peace of mind, is being patched. Our safety is non-negotiable, and we can no longer short-change our ports. A vote for this bill today demonstrates our dedication to securing our Nation. It even goes beyond the commission's recommendations—requiring 100 percent of U.S.-bound shipping containers to be scanned and sealed using the best available technology over the next five years, among other provisions.

This is the first step towards truly securing our Nation, from threats in our own backyard to threats half a world away. This bill will enable us to improve our own security while fostering improved relations across the globe. I urge all of you, my colleagues here in the people's House, and I implore our colleagues in the Senate, to vote for this important piece of legislation. And I urge the president to sign it into law. And when I go home this Friday, and greet the hardworking men and women of the 22nd Congressional District as they leave the plants and port facilities where they work, I can thank them for the risks they take everyday and look them in the eye and finally tell them they will be safe and so will our country.

Mr. ACKERMAN. Mr. Speaker, I yield the balance of my time to the gentleman from Mississippi (Mr. THOMPSON), the honorable chairman of the Homeland Security Committee, and ask unanimous consent that he control the balance of our time.

The SPEAKER pro tempore. Without objection, the gentleman from Mississippi is recognized for 36 minutes.

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2½ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. I want to commend, in the beginning, Chairman THOMPSON and Ranking Member KING for the work of your staff, everybody chipped in; and I really want to commend the work that you have all done.

Mr. Speaker, it is about time. Three years ago, the commission put forward a comprehensive evaluation of our Nation's vulnerabilities and listed key recommendations toward making our Nation safer, more secure. We finally passed landmark legislation to close many of the dangerous security gaps, and we are going to do that today. We will address the weaknesses that continue to leave this Nation at risk, and I say it is about time.

More than a year ago, Hurricane Katrina and Hurricane Rita reminded us all again how unprepared we still are to deal with catastrophes, whether caused by nature or a terrorist attack. That is the politics. That is the charade. And that charade has been a deadly charade. The Congress will not wait another day to make the necessary improvements to our Homeland Security. This landmark legislation includes many long overdue steps.

Our ports and our critical infrastructure will be better protected. Our borders will be harder to enter. Terrorists will confront greater difficulty in obtaining nuclear materials, and our aviation will be better defended, just to name a few.

I am particularly pleased with two major provisions. First, this bill would substantially increase the share of homeland security grants that are provided to States based on risk. I fought for this, the chairman has fought for this, I think you fought for this, Mr. Ranking Member. We want 100 percent risk on these grants.

It is crucial that we ensure that Federal money designed to better equip and train our first responders actually reaches down to where it is needed most.

I have long said that the current system of distributing grant funding to local levels is fundamentally broken. In an era when information can be sent instantaneously any way, any place in the world, it is utterly nonsensical that our Nation's police, fire and EMS personnel cannot consistently communicate with each other. Not another day should pass without us addressing that. Anybody who says that we have addressed it, look at how the administration tried to zero out the interoperability part of the legislation. Tell the truth.

Mr. KING of New York. Mr. Speaker, I would just advise the gentleman from New Jersey, my good friend, that as far as the threat and risk funding, I was the prime cosponsor for that bill, and it did pass in the last Congress by a vote of 409-10 in a bipartisan way.

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. LEWIS), the ranking member and the past chairman of the Appropriations Committee.

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of California. Thank you very much, Mr. KING and Mr. Chairman.

Mr. Speaker, I might respond to the colleagues, this is the longest I have seen you, your presence on the floor in many a year, and your being in the podium. We will not let you get away as you would normally choose to do.

But having said that, Mr. Speaker, you know it is not my intention to speak on every authorizing bill that might come along. Indeed, we have enough work to do on our Appropriations Committee, enough to take up the time of our fine authorizers. But in the meantime, it is important for us to say early on, in these first 100 hours, that there are issues that will be brought to the floor that purport to reflect the interests of authorizers that have huge implications in so far as appropriations are concerned. So for this one time I would like to take just a moment to discuss a bit of that.

First, as a member of the Appropriations Committee, I must mention that

this bill is full of new programs, policy directives, performance directives, all kinds of authorizing suggestions, without any indication as to where the money might really be coming from. It is one thing to say that we want to establish a policy. It is another thing to say that we are going to pay as we go. It is an entirely different thing to say exactly where the money will come from.

It is very important for the Members to know that throughout this package that purports to deal with the 9/11 Commission, and those recommendations, that we have here to a very significant degree, within the authorizing process, a statement of policy that is little more than a press release. There really are no serious suggestions here as to how we go about solving the problems that are implied by the presentation of this legislation.

The tens of billions of dollars that would be required to implement this general statement of policy should not be ignored. It is not good enough to suggest that we are going to balance the budget and pay as we go. The first bill before us provides an authorizing base that does exactly the reverse.

We are not in this to confront the Appropriations Committee with authorizers, but indeed it is about time that we begin to lay the foundation for policy and appropriations work that actually reflects the will of the House as well as the appropriations process.

□ 1515

Mr. Speaker, I know that you agree with all of that because of your appropriations background.

Mr. Speaker, I rise in opposition to this legislation before us today. This is a bill full of feel-good promises and sound bites but no realistic approach to becoming a reality. Let me provide just a few illustrations of my concern.

First, as a member of the Appropriations Committee, I must mention that this bill is full of new programs, policy directives and performance directives authorized at "such sums as necessary," the total of which is likely to reach into the tens of billions of dollars. It proposes carving out \$250 million from passenger ticket security fees as a "one-time deposit" for research, development, and deployment of Explosive Detection System checkpoint technology. But, because there is no guarantee this amount can be covered by current collections, it will likely require a direct appropriation. In other words, it proposes a new cost, with no offset.

While some of these programs are worthwhile I am unsure how the new majority plans to actually fund them. This is a classic demonstration that the majority's pledge to offset any new increases in funding is, at this point, nothing more than an empty sound bite.

Absent new appropriations, there is little chance these programs, policy directives, and performance objectives will see the light of day. For example, this bill requires the inspection of 100 percent of the over 11 million U.S.-bound seaborne cargo containers within five years. While DHS currently inspects 100 percent of high-risk cargo, estimates to physically inspect 100 percent of sea-bound cargo, including those containers shipped by trusted

partners, run in the tens of billions of dollars not counting additional manpower and operational costs. Even the editorial section of this morning's Washington Post describes the majority's container security proposal as a "waste of money" with a "marginal benefit" and no "realistic cost estimate".

Additionally, estimates to physically inspect all cargo on passenger planes for a single year exceed \$500 million and may require up to an additional 8,000 screeners at a cost of \$400 million per year. And on top of these annual costs, there is an upfront investment of over a billion dollars for equipment installation and facility modifications. Still, this legislation casually calls for 100 percent inspection by the end of Fiscal Year 2009.

Mr. Speaker, throwing money at a problem is not the solution. In fact, since 9/11, Congress has made steady and substantial, yet realistic, progress in many of these areas. In Fiscal Year 2005, we called for the tripling of the percentage of cargo screened on passenger aircraft, required quarterly updates on meeting this goal, and directed the development of standards and technology to reduce manpower requirements.

We continue to target all high-risk cargo inbound for the United States. We also support expansion of our Container Security Initiative, which will place actual Customs and Border Protection employees at 58 of the world's largest ports, covering approximately 85 percent of the U.S.-bound shipping containers by the end of this fiscal year. Last year, the 109th Congress passed the SAFE Port Act, which, among other things, created pilot programs, each designed to test the possibility and viability of achieving 100 percent screening overseas. Through the Secure Freight Initiative, the Administration has set up 9 of these pilot programs.

While we appreciate the new majority's attempt, this bill is little more than a press release full of unfunded mandates that has little chance of becoming law. Real reform begins with committee and subcommittee hearings and mark-ups, and ends with a negotiated product that contains substantive yet realistic reform. This bill fails that, and many other, tests.

Mr. THOMPSON of Mississippi. Mr. Speaker, I now yield 1 minute to the majority leader, Mr. HOYER.

Mr. HOYER. Mr. Speaker, it is no mere coincidence that this legislation, which will implement the recommendations of the bipartisan 9/11 Commission, is designated as House Resolution No. 1 in this new Congress. Our first and highest responsibility as Members of this Congress is to protect the American people, to defend our homeland, and to strengthen our national security. The fact is, our Nation today, 5½ years after the attacks of September 11th, is still not as safe as it should and must be.

As Tom Kean, the former Republican Governor of New Jersey and cochair of the 9/11 Commission observed just a few months ago, "We're not protecting our own people in this country. The government is not doing its job." That is the former Republican Governor of New Jersey, the cochair of the Commission.

Today, however, through this important legislation, this House will take a

vital step forward in protecting our people and our Nation. We have taken steps, there is no doubt about that. We have taken steps together in a bipartisan way, but we have not taken all the steps we could take. And that is the point of the gentleman from Mississippi, and I support his contention.

This legislation among other things will substantially improve our homeland security by doing the following:

Significantly increasing the share of state homeland security grants provided on the basis of risk. I know that my good friend, the former chairman of the committee, agrees with that proposition. In fact, we passed it through this House; unfortunately, the Senate did not.

Creating a stand-alone grant program for interoperable communications for first responders. Curt Weldon and I have chaired for a long time the Fire Service Caucus. Interoperability is a critical issue for our country and for our security.

Phasing in the requirement of 100 percent inspection of air cargo over the next 3 years and 100 percent scanning of U.S.-bound shipping containers over the next 5 years. How can we have security in America if literally thousands of tons of cargo is being shipped in either by air or ship that we don't know its content?

Accelerating the installation of explosive detection systems for checked baggage. A critical step.

Furthermore, H.R. 1 will help us prevent terrorists from acquiring weapons of mass destruction. It will strengthen the cooperative threat reduction or Nunn-Lugar programs; create a coordinator for the prevention of weapons of mass destruction proliferation and terrorism; and strengthen efforts to eliminate a nuclear black market network. I would think all of us would want to see those objectives accomplished.

Additionally, Mr. Speaker, H.R. 1 seeks to reduce extremism by enhancing the International Arab and Muslim Youth Opportunity Fund and establishing a Middle East foundation that will promote economic opportunities, education reform, human rights and democracy in the Middle East, all of which was proposed by Governor Kean, Mr. Hamilton and unanimously the 9/11 Commission.

It also bears noting, Mr. Speaker, that this bill will strengthen the Privacy and Civil Liberties Board, removing the board from the executive office of the President and making it an independent agency and granting the board subpoena power.

I mention these provisions because I believe they demonstrate that we can improve our security without compromising the democratic principles upon which this great Nation was founded.

Let no one, however, be mistaken: This legislation alone, nor perhaps any legislation, can immunize our Nation from attack. However, it represents an important step forward for our national security. That is why we wanted

to accomplish it in the first 100 hours of our deliberation.

As former Congressman Lee Hamilton, the other cochair of the 9/11 Commission noted, Mr. Speaker, just yesterday, "The bottom line is, if this bill, H.R. 1, is enacted, funded and implemented, then the American people will be safer."

That is our objective. I am confident that is the objective of every Member of this House, Democrat or Republican. That is our responsibility.

I urge my colleagues on both sides of the aisle, Mr. Speaker, to support this critically important piece of legislation.

Mr. KING of New York. Mr. Speaker, as a tribute to the enormous influence you wield over this House, you will notice that even though we are the authorizing committee, the first two speakers are members of your Appropriations Committee, and I yield 5½ minutes to the ranking member of the Homeland Security Subcommittee, Mr. ROGERS.

Mr. ROGERS of Kentucky. Mr. Speaker, I thank the gentleman for yielding and thank the Speaker, and I particularly want to thank the ranking member of the committee who yielded for all of his tremendous efforts over the past years to prevent terrorism and secure the country.

Mr. Speaker, there is not a more fundamental purpose of our government than to provide for the safety and security of our people. That was the guiding principle as we over the last several years have provided almost \$250 billion toward Federal homeland security programs since 9/11. But, Mr. Speaker, the ideas and proposals contained within this bill are overly costly and Draconian even. It is an effort by the new Democrat majority to look aggressive on homeland security. This bill will waste billions and possibly harm homeland security by gumming up progress already under way.

Over the last 4 years, our Subcommittee on Homeland Security Appropriations provided a significant combination of aggressive oversight and vast resources to address our most critical homeland security needs.

First, with port, cargo, and container security. We not only have appropriated over \$16 billion to fully support groundbreaking programs, such as the Container Security Initiative, the Domestic Nuclear Detection Office, we required DHS to double its inspection and radiation screening efforts; target 100 percent of incoming cargo, establish security standards for both land and sea cargo containers; maintain 100 percent manifest review and trusted shipper validation standards; and inspect 100 percent of all high-risk cargo. So rather than take the costly and Draconian approach included in this bill before us today, we put in place methodical, robust measures that balance our security needs with legitimate trade.

You need look no further than this morning's Washington Post editorial,



and I want to quote from it because I think it says it better than certainly I can. A quote from this Washington Post this morning:

"Given a limited amount of money and an endless list of programs and procedures that could make Americans safer, it's essential to buy the most homeland security possible with the cash available. That can be a tough job. That's all the more reason not to waste money on the kind of political shenanigan written into a sprawling Democratic bill, up for a vote in the House this week, that would require the Department of Homeland Security to ensure that every maritime cargo container bound for the U.S. is scanned before it departs for American shores."

Continuing to quote from the Washington Post: "Container scanning technology is improving, but it is not able to perform useful, speedy inspections of cargo on the scale House Democrats envision. Congress has already authorized pilot programs to study the feasibility of scanning all maritime cargo. The sensible posture is to await the results of those trials before buying port scanners, training the thousands who would be needed to operate them and gumming up international trade."

Continuing to quote from the Washington Post this morning:

"The Democrats don't offer a realistic cost estimate for the mandate they will propose today, but the cost to the government and the economy is sure to be in the tens of billions and quite possibly hundreds of billions annually. The marginal benefit isn't close to being worth the price. Under recently expanded programs, all cargo coming into the country is assessed for risk and, when necessary, inspected, all without the cost of expensive scanning equipment, overseas staff and long waits at foreign ports. Perhaps that's why the September 11th Commission didn't recommend 100 percent cargo scanning."

Quoting the Washington Post further:

"The newly installed House leadership will bring the bill, which contains a range of other homeland security proposals both deserving and undeserving, directly to the floor, bypassing the Homeland Security Committee."

No hearings, just bring it on. That is the Washington Post, and I couldn't say it better than did the Post.

On the issue of aviation security, we took a strong stance towards the implementation of security technologies by providing almost \$17.3 billion towards aviation security programs, including almost \$2 billion for explosive detection systems.

On border security and immigration enforcement, we provided over \$75 billion over the last 4 years and ended, yes ended, the practice of catch-and-release once and for all. We have made progress on grants to State and local first responders on issues surrounding intelligence.

In sum, Mr. Speaker, the bill before us today simply validates the funding and policy initiatives of the past two Congresses. I believe our record of accomplishments as well as the overwhelming bipartisan support of each and every one of the four appropriations bills speaks for itself. Now is the time to build upon the substantial work of the last 4 years and seriously debate our homeland security needs rather than recycle political ideas for political ends.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 3½ minutes to the new chairman of the House Homeland Security Appropriations Subcommittee, Mr. PRICE.

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentleman for yielding, and I commend him for his management of this legislation, bringing this urgent matter to the floor, and expediting its consideration. I rise in support of H.R. 1, legislation Congress should have passed long ago to address the unfulfilled 9/11 Commission recommendations.

As the incoming chair of the Homeland Security Appropriations Subcommittee, I can tell you there is no time to waste in enacting and implementing this legislation.

Now, no one should suppose that this will be easy. This is an ambitious agenda for the Department, and based on the Department's performance to date, it is going to have to rise considerably to meet that challenge.

There will be challenges for us in Congress as well, as my friend the immediate past chairman of our Appropriations Subcommittee has just stressed. These are not going to be easy priorities to meet.

Many of the bill's programs are not currently funded, such as the Interoperable Communications Grant Program. This means that the Appropriations Committee and in particular our subcommittee will have to find additional resources.

Congress will also have to provide rigorous oversight of the Department's implementation of the bill. I look forward to working with Chairman THOMPSON and other colleagues to hold the Department accountable. The President must also do his part by requesting and supporting the funding to get the job done.

This bill provides significant discretion for determining risk to the Department of Homeland Security. Now, discretion is fine, but it must be used fairly and wisely, backed by tested assumptions and rigorous methodology and firm data. This is a critical area for stringent oversight by Congress.

As we move to a more risk-based approach, there are two important points to make: First, as we have funded new homeland security grant programs dedicated to helping State and local governments prepare for and respond

to terrorism, the President and Congress have at the same time reduced funding for the broadly targeted programs our first responders have depended on.

Department of Justice programs that support police received a total of \$1.5 billion in 2003, but by 2006, that was reduced to \$559 million.

□ 1530

Fire grants received \$745 million in 2003 but only \$662 million for 2007.

For many State and local governments, this is simply robbing Peter to pay Paul, because their homeland security grant dollars have to be stretched to fill gaps left by the defunding of these other programs. It should not be an either/or proposition. We need healthy funding levels for both homeland security grants and for the more broadly based fire grants and COPS and Byrne and other Department of Justice grants.

The second important point is that homeland security means more than security from man-made disasters. No matter where a disaster occurs and whether it is natural or man-made, our local police and firefighters and EMTs will be the first on the scene to help the public. The Department's risk assessments should do more to take that into account.

In closing, Mr. Speaker, this bill is a critical first step in the process of making real security improvements, but there are many, many more steps we are going to have to take. I look forward to working with colleagues on both sides of the aisle as we travel down this critical path.

Mr. KING of New York. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. ROGERS), who did such an outstanding job in the past Congress as chairman of the Management, Integration and Oversight Subcommittee.

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to associate myself with the remarks of the ranking member of the Appropriations Subcommittee on Homeland Security, Mr. ROGERS.

As the gentleman stated, homeland security is too important an issue not to have any oversight. And the 279-page bill we consider today is too encompassing not to have any jurisdiction consideration by the committees of jurisdiction.

On such an important issue as protecting our country from terrorist attacks, we should have the opportunity to offer and debate amendments on the specific provisions of this bill. For example, the bill contains provisions authorizing billions of dollars in spending for new programs that have not been approved by the Committee on Homeland Security. The bill misses the opportunity to continue our consolidation of committee jurisdiction started in the 109th Congress over DHS and called for by the 9/11 Commission.

The bill also contains revisions to many initiatives developed under the

Republican leadership. For example, Section 812 of the bill expands the authorities of the Privacy Officer of the Department of Homeland Security. This vital position was established by the Homeland Security Act of 2002, a Republican bill, signed by President Bush into law. This was the first statutory mandate for a Privacy Officer in the executive branch.

Another Republican bill which the President signed into law, the Intelligence Reform and Terrorism Prevention Act of 2004, elevated the position of the Privacy Officer authorizing its direct reporting to the Secretary.

Concerns have been raised that the pending bill would turn the Privacy Officer into an investigating officer. In fact, this proposal was specifically rejected last year during a markup in the Subcommittee on Management, Integration and Oversight, which I chaired. The DHS Inspector General stated that this provision would interfere with his role and would "create duplicative investigations and overlapping demands for documents involved in investigations of privacy violations."

And, Mr. Speaker, I will include this letter in the RECORD.

OFFICE OF INSPECTOR GENERAL,  
DEPARTMENT OF HOMELAND SECURITY,  
Washington, DC, December 28, 2006.

Hon. MIKE D. ROGERS,  
Chairman, Subcommittee on Management, Integration and Oversight,  
Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR CHAIRMAN ROGERS: Thank you for the opportunity to comment on two proposed amendments to the authority of the U.S. Department of Homeland Security (DHS) Privacy Officer—H.R. 3041 and S. 2827, both titled as the "Privacy Officer with Enhanced Rights Act" or "POWER Act." The Office of Inspector General (OIG) opposes these amendments because they would interfere with OIG's jurisdiction and create duplicative investigations and overlapping demands for documents involved in investigations of privacy violations. Therefore, should either proposal be considered for further review, OIG strongly recommends that specific language be included to clearly state that the DHS OIG has primary authority over investigations, audits, and other inquiries that might be conducted by the Privacy Officer.

As currently drafted, H.R. 3041 and S. 2827 would grant the DHS Privacy Officer authority to investigate; issue reports; administer or require oaths, affirmations or affidavits; issue subpoenas (except to Federal agencies); and access records and other materials related to programs and operations within the Chief Privacy Officer's jurisdiction. These authorities are, as stated above, duplicative. With respect to the proposed investigatory authority, the DHS Inspector General already has authority to investigate violations of law and regulations, including privacy-related violations relating to DHS programs and operations. Granting parallel authority to the Privacy Officer to investigate and issue subpoenas would unnecessarily and inefficiently duplicate and disrupt the established and working authority of the Inspector General to conduct such investigations and issue subpoenas as needed. In addition, the Privacy Officer can already make referrals on privacy-related violations to the DHS Inspector General for investigation and review. Therefore, there is no need to confer additional authority to the Privacy Officer.

Regarding the proposed subpoena authority for the Privacy Officer, each branch of the Federal government already has extensive subpoena authorities that are regularly exercised to obtain documents or testimony to investigate misconduct such as civil rights violations. In the event of a significant allegation concerning such a violation, there would already be overlapping and likely immediate demands for documents and testimony by the Executive Branch, by the Congress, and through the Courts. Adding a set of competing subpoenas from the DHS Privacy Officer would unnecessarily increase the burden on subpoenaed parties by requiring them to respond to multiple requests.

The OIG therefore strongly recommends that the following new subsection be added under section (b)(2) of both amendments:

(2) DHS OFFICE OF INSPECTOR GENERAL AUTHORITY—The exercise of authority by the senior official appointed under this section shall be subject to, and shall not interfere with, the authority of the DHS Office of Inspector General. Prior to initiating any investigation under this section, the senior official shall refer the allegation to be investigated to the Inspector General. If the Inspector General initiates an audit, investigation, or inspection relating to the allegation, the Inspector General may provide notice that it has initiated an inquiry. If the Inspector General issues such a notice, no other audit or investigation shall be initiated into the matter by the senior official appointed under this section, and any other audit, investigation, or other inquiry of the matter shall cease.

This provision will ensure the OIG's ability to perform its independent statutory responsibilities under the Inspector General Act.

Regarding variations between H.R. 3041 and S. 2827, the amendments differ in three respects:

H.R. 3041 includes a vaguely-worded provision, tying the Privacy Officer's authority to that of the Inspector General. The bill authorizes the Privacy Officer to: "take any other action that may be taken by the Inspector General of the Department, as necessary to require employees of the Department to produce documents and answer questions relevant to performance of the functions of the senior official under this section." H.R. 3041(B)(1)(E). S. 2827 does not have a similar provision.

H.R. 3041 includes a five-year term limit for the Privacy Officer. S. 2827 has no such limit.

S. 2827 places the Privacy Officer under the general supervision of the Secretary and requires the Secretary to report to Congress "promptly" if the Officer is removed or transferred to another position. S. 2827 does not have a similar provision.

With respect to H.R. 3041's provision tying the Privacy Officer's authority to that of the DHS Inspector General, it is not clear what authority would be granted by this provision. It appears to be designed to incorporate certain Inspector General authorities into the Privacy Officer's statutory authorities. As drafted, it is not clear whether the scope of the Privacy Officer's authorities under this provision is limited to privacy issues and if it is so limited, how "privacy issues" are defined, and by whom.

Regarding the term of office provision included in H.R. 3041, but not in S. 2827, and placement under the Secretary's general supervision (included in H.R. 3041, but not in S. 2827), OIG does not believe these two variations significantly distinguish the proposed amendments.

In summary, OIG opposes the proposed amendments because they would create duplication in investigations and overlapping demands for documents involved in inves-

tigations of privacy violations. If either proposal be enacted, it should include an additional provision stating that any exercise of authority by the Privacy Officer should not interfere with, and should not be construed as limiting, the authority of the Inspector General.

Thank you for the opportunity to comment on this legislation. Questions regarding these comments may be addressed to Richard N. Reback, Counsel to the Inspector General, on (202) 254-4100.

Sincerely,

RICHARD L. SKINNER,  
Inspector General.

The pending bill would also grant the Privacy Officer access to "all records" and other materials available to DHS. Such sweeping access could have a chilling effect on intelligence agencies sharing vital information with DHS.

The Inspector General has urged amendments to protect his independent responsibilities under the Inspector General Act. DHS has also requested amendments.

But we don't have that option. It is ironic that on the same day this bill is being considered in the House under a closed rule, the Senate is holding a hearing on the same topic. And Senators will have an opportunity later to offer amendments.

The bill before us today should be subject to the same bipartisanship and open process. The stakes are too high, and we need to get it right.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentlewoman from the Virgin Islands, Dr. DONNA CHRISTENSEN.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, it is with great pride and a sense of hope for the future that I rise in strong support of H.R. 1, legislation which fulfills an important promise we Democrats made to fully implement the 9/11 Commission's recommendations.

Before continuing, I want to commend the Honorable BENNIE THOMPSON on his ascension to the chairmanship of the House Committee on Homeland Security. Congressman THOMPSON served as a first-rate ranking member of the committee during the last Congress, and I look forward to working with him and our now Ranking Member KING to further strengthen our Nation's security.

Mr. Speaker, it has been a matter of great consternation that today, 5-plus years after 9/11, our first responders still do not have the capacity to communicate consistently with each other during emergencies. It was one of the tragic failures in Katrina as late as 2005.

H.R. 1 will create a national Emergency Communication Plan and a stand-alone emergency communications grant program that will finally provide first responders with the kind of standards and equipment they need.

Another provision that has been long fought for is 100 percent inspection of cargo on passenger planes as well as 100

percent screening of containers bound for this country and improved explosive detection systems at passenger checkpoints at our Nation's airports. One of the "F" grades the administration and the last Congress received was failure to implement risk-based funding. The new formula is a great step forward and would provide more funding for States and territories that adjoin a body of water within North America that contains an international boundary line. This can assist the U.S. Virgin Islands in providing the additional border patrol needed to protect our residents and our country.

Lastly, in March of 2001, a member of the Hart Commission told a bipartisan group that the greatest threat to us was the growing animosity towards the United States. Today we are more hated than ever. Changing this and protecting privacy and civil liberties as provided in H.R. 1 is critical to making America not only safer but better.

Mr. Speaker, we owe H.R. 1 to those who died on 9/11 and their families. Its passage is critical to the future of our great Nation, and I urge my colleagues to support it.

Mr. Speaker, it is with great pride and a sense of hope for the future security of our Nation that I rise in strong support of H.R. 1—legislation which fulfills an important promise we Democrats made to the American people last fall—to pass legislation within the first 100 hours of our assuming the majority in the House of Representatives, to make the Nation safer by fully implementing the 9/11 Commission's recommendations.

Before continuing with my remarks in support of this bill, Mr. Speaker, I want to applaud you for the inspired principled and strong leadership which enabled you to become speaker of this great Body and to commend my Chairman, the Honorable BENNIE THOMPSON on his ascension as to the Chairmanship of the Homeland Security in the House.

BENNIE served as a first-rate ranking member of the Homeland Security Committee during the last Congress and I look forward to working with him to further strengthen the state of our homeland security and in fact to pass today many of the measures that he championed and Democrats supported in the preceding Congress but could not get passed.

Mr. Speaker and my colleagues, last year the bipartisan 9/11 Commissioners gave Congress and the administration a number of very poor grades including 5 Fs, 12 Ds and 2 incompletes on implementing their recommendations. These woeful grades were a call for action and today Democrats are answering that call.

Mr. Speaker, it has been a matter of great consternation that today, 5 plus years after 9/11, our first responders do not have the capacity to communicate consistently with each other during emergencies. It was one of the tragic failures in Katrina in 2005.

Among the long overdue steps included in H.R. 1 that will substantially improve homeland security is the creation of a stand-alone emergency communications grant program that will provide first responders with the standards and type of equipment they need.

I am sure that we have wasted not only time, but a lot of money in funding the pur-

chasing of equipment that cannot talk to each other because we have not had standards or a plan. Most importantly, today with this legislation, we create a national Emergency Communication Plan that will guide the implementation of the grant program. I want to applaud my colleague Congresswoman LOWEY for her persistence on this issue.

Another group of provisions that have been long fought for and are now included in H.R. 1, will be the requirement that ED MARKEY of Massachusetts has championed for 100 percent inspection of cargo in passenger planes by 2009. This bill will also provide for 100 percent screening of containers bound for this country and improve explosive detection systems at passenger checkpoints at our Nation's airports such as we have seen already implemented in other countries such as Canada.

I cannot leave this floor without speaking about another issue that is very important to my constituents and that relates to our need for strengthened border security.

One of the F grades the administration and the last Congress received was on failure to implement risk-based funding. Over the past year we have seen increased border crossings using the USVI to enter the United States. The new formula would provide for a larger minimum for States—and that includes territories according to the definition—that adjoin a body of water within North America that contains an international boundary line which we do. This can assist us in providing the additional border patrol needed to protect not just our residents in the U.S. Virgin Islands but our entire Nation.

I don't have time to speak to all of the important provisions included in H.R. 1, but in closing let me mention one more that I believe gets to the heart of what is needed to protect the United States and all who live here—and that is the provisions that help to restore the moral authority and leadership of our country in the world.

I recall that a bipartisan retreat in March of 2001, a member of the Hart Commission told us that the Commission had determined that the greatest threat to us was the growing animosity toward the United States.

While some steps have been taken since that report and the terrible events that took place 7 months later to protect us from terrorist attacks, nothing has been done to improve our relationships with our global neighbors. In fact we are more hated now than ever.

H.R. 1 takes steps to begin to heal the rift that has been widening between the United States and Arab and Muslim communities and between us and the rest of the world.

It is also my hope that along with the provisions for stronger protections for privacy and civil liberties, we can also mitigate some of the unintended consequences of the broad brush approaches that have been taken thus far.

These are critical components of setting a new direction for our country and making America not only safer but better!

Mr. Speaker, implementing the 9/11 Commission's recommendations is supported by most Americans and by several bipartisan and nonpartisan groups and we owe H.R. 1 to those who died on 9/11 and their families and loved ones.

As a member of the House Homeland Security Committee, this is a proud day for me and for all Americans as we take this action to improve homeland security by preventing terror-

ists from acquiring WMD's, by improving our intelligence mechanisms and prevention and protection programs, and by developing strategies for preventing the growth and spread of terrorism, while safeguarding the rights of all and the integrity of our Constitution.

This is a bill that is critical to the future of our great Nation and I urge my colleagues to support it.

Mr. KING of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. McCAUL), the former chairman of the Investigation Subcommittee of the Homeland Security Committee.

Mr. McCAUL of Texas. Mr. Speaker, I thank the ranking member of the Homeland Security Committee, on which I am proud to serve, for yielding.

Mr. Speaker, I rise today in support of H.R. 1, but I also rise to express my disappointment.

Despite the importance of a bipartisan approach to homeland security and promises made to the contrary, the new majority has chosen to prevent even their own rank and file members from participating in the debate over this bill. This stands in stark contrast to how Republicans implemented 39 of the 41 9/11 Commission recommendations when we were in the majority.

This bill raises several concerns. It proposes to require the Department of Homeland Security to screen 100 percent of maritime cargo containers bound for the United States. And while well intentioned, this is not possible with current technology. Under the SAFE Port Act passed in the last Congress, we started a pilot project to determine the feasibility of such a program. We should continue and await the results of this study.

This new unfunded mandate would cost the government and the economy billions of dollars per year and bring commerce to a crashing halt. And even the Washington Post today called this a "bad investment." H.R. 1 also gives foreign port terminal operators a role in the screening of cargo containers bound for U.S. seaports.

Most disturbing of all, H.R. 1 proposes to hand over control of the Proliferation Security Initiative, a system which works to protect Americans against the proliferation of weapons of mass destruction, to the United Nations. This is the same United Nations of which Syria and Iran are members. As a former counter terrorism official in the U.S. Department of Justice, I know first hand the threat of terrorism. It is very much alive and well. And while I am overall supportive of this bill and the 9/11 Commission recommendations, Congress can and should do better.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield such time as she may consume for the purpose of a colloquy to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank our distinguished chairman.

Mr. MURTHA, it is wonderful to see you in the chair.

I rise as a proud cosponsor of this legislation, which is really going to complete the outstanding work of the 9/11 Commission.

The issue that I want to focus my remarks on today is one that my colleagues and I have worked very hard on on a bipartisan basis on the Energy and Commerce Committee for many years, and that is how to guarantee real communication interoperability between first responders. This is a very, very important issue for all of our first responders and our communities. The fact is that interoperability can be solved today. Advanced technology developed across the United States and certainly in my district in the Silicon Valley can successfully enable first responders and others to communicate using disparate communication devices and networks. The problem up to this point has been a lack of resources and guidance from the Federal Government as to where and how local first responders should invest their scarce dollars to achieve this solution.

The bill before us addresses this problem by establishing a stand-alone grant program within the Department of Homeland Security devoted to establishing an interoperability framework that local authorities can work from. What is of utmost importance in creating this new grant program is the need to ensure technology neutrality so that the best available solution, whether it be radio, software or IP network-based, can be implemented as soon as possible.

So with this in mind, Mr. Speaker, I would like to at this time yield to my colleague, the chairman of the Homeland Security Committee, to ask if he agrees that the goal and the intent of this legislation is to guarantee that our efforts to fund interoperability solutions are indeed technology neutral. Specifically, the term "equipment" as used in the legislation should not be interpreted to exclude important technology such as software, middleware or network-based IP solutions.

Mr. THOMPSON of Mississippi. Mr. Speaker, I can assure the gentlewoman that the goal of this legislation is to be technologically neutral.

Ms. ESHOO. Mr. Speaker, I thank the chairman, and I encourage my colleagues to help promote full communications interoperability by supporting the bill before us.

Mr. KING of New York. Mr. Speaker, I am proud to yield 5 minutes to the Republican whip, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank Mr. KING for yielding.

Mr. Speaker, I rise today, in fact, in support of most of the efforts that are in this bill because most of the efforts in this bill were things that the Republicans in control of the Congress worked to pass on the House side of the building just in the last 2 years.

The most important responsibility of the Federal Government is to protect the American people. House Repub-

licans recognized that and moved to enact important recommendations from the 9/11 Commission during the 109th Congress. We enacted, I believe, 39 of those 41 recommendations. And I would suggest to my colleagues that there is probably a reason we didn't enact the other two, because we didn't think they were the right thing to do.

Despite the fact that we have already taken this action before in the House by overwhelming majorities, the bill on the floor today has bypassed the committee process. There has been no opportunity to offer amendments. And, in fact, I want to talk in a minute about one new and I think particularly bad idea. These ideas are proposed in a way that talks about putting risk-based funding in place when, in fact, every single Democrat failed to support an almost identical initiative in the 109th Congress. That initiative passed in the 109th Congress. And amazingly, this initiative starts when that one ended. I am puzzled by what was so wrong with that initiative in the 109th Congress, now in the 110th Congress. It is an initiative that just simply takes up where the bill we passed last year left off.

□ 1545

We can't prevent terror attacks in this country by adding other layers of bureaucracy. We can't prevent terror attacks by making public information about our intelligence budget and other budgets that shouldn't be made public. Homeland security is too important to play politics when American lives are at stake. As a body, both Democrats and Republicans, we need to be committed to that.

We have an enemy that has vowed to exploit every weakness, every piece of needless information we give them, every failure we have to understand the kind of fight that we are in, Mr. Speaker.

Also in this legislation today, there is a sense of Congress that the Proliferation Security Initiative initiated by the President in 2003 would need to be somehow authorized by the United Nations. I think that doesn't make sense for this Congress. I don't believe that will ever be in any legislation that makes it to the President's desk. I think it is a particularly bad idea to suggest that our initiatives for proliferation security would somehow now come under the auspices of the United Nations.

This has been a successful program. We have 14 direct partners in this program; over 70 countries have worked with us to follow-up on specific pieces of information that we needed to check into to be sure that proliferation was not a problem.

Mr. Speaker, I hope that the House votes later today to eliminate that sense of the Congress that the United Nations would authorize this program from this legislation. I look forward to bringing this issue to the floor as the majority has promised with debate in

the future. We didn't have committee debate on this bill today. I hope that we quickly get to the promises of the majority to debate these bills in committee, bring them to the floor, and work together to do the right thing for the American people.

Mr. THOMPSON of Mississippi. Mr. Speaker, before yielding to the next speaker, I would like to make note of the fact that I submitted remarks related to jurisdictional interest by the gentleman from Michigan (Mr. CONYERS) on H.R. 1.

Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in strong support of the bill, and I want to thank the chairman for your important work on this bill.

I am very pleased that one of the first acts of the Democratic Congress is to finally enact the long overdue recommendations of the 9/11 Commission.

This bill contains language I first proposed in the 108th Congress to create a dedicated grant program for emergency communications, which the Republican-controlled Congress rejected at least five times, including in stand-alone amendments.

Communications failures that forced first responders to use runners to relay messages on September 11 and following Hurricane Katrina more closely resemble the time of Paul Revere than the technology available in 2007. The post-September 11 world demands 21st-century preparedness.

Many of us have long recognized that we are not prepared to respond to the next emergency until our first responders can communicate with one another. The legislation addresses this massive gap in our Nation's communications capabilities and will improve safety for hundreds of thousands of first responders who protect our communities each day.

In addition to the interoperability provisions, I am very pleased that this bill includes my proposals to fix the flawed grant funding formula, improve airport screening by providing important rights for screeners, and overhauls the troubled National Asset Database.

I urge your support for this vital piece of legislation that includes long-overdue improvements for first responders. I thank the gentleman again for his leadership, and I look forward to working together with the people on the other side of the aisle to get this done.

Mr. KING of New York. Mr. Speaker, I am privileged to yield 2 minutes to the gentleman from California who played such a prominent leadership role in the last Congress, including port security legislation and chemical plant legislation, both of which passed the floor, Mr. DANIEL E. LUNGREN.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I thank the ranking member.

Mr. Speaker, I say this not in anger but in sadness about the missing bipartisanship here by the way this was

brought to the floor. If there was any committee in the last Congress that worked harder on bipartisanship than our committee, I don't know what it was. We worked very closely with the new chairman of the full committee on so many things. We were cosponsors together on the chemical security bill, the port security bill. We managed to have a 29-0 vote in committee after many, many different committee hearings, consultation with the Democratic side as well as the Republican side. And we passed it out 29-0 and passed it off the floor 421-2.

And in response to that, we have presented to us this bill which is basically take it or leave it. That's not the way to do these sorts of things.

They say we have already dealt with these things. By my count, over 12 percent of the membership of this House has never been here before. So maybe they don't count. Maybe they ought not to have the opportunity to consider these things. It doesn't seem to me that is the way we ought to be doing things.

Everybody is talking about the 9/11 Commission. What is the biggest thing that we haven't done with the 9/11 Commission which the commissioners have pointed out? We haven't consolidated jurisdiction in this House for homeland security.

Now, we started to on our side, and I admit we didn't do everything we ought to have done. When is the greatest opportunity, the golden opportunity you have to do it? When your party takes over, when you don't have any chairmen. Everybody is looking to be a chairperson for the first time. That is when you can do it. You have lost the golden opportunity to do what the 9/11 Commission said was the greatest thing we hadn't done in following their recommendations, and it isn't done.

And then we have in here 100 percent screening of ocean-going and aviation cargo. Instead of doing it smartly and instead of doing it efficiently, instead of doing it effectively, instead of doing it successfully, instead of using that which we have better than any place in the world, both intelligence gathering and the use of technology, and apply it with sophisticated algorithms, we say we want to cover everything.

Mr. THOMPSON of Mississippi. Mr. Speaker, I include for the RECORD three letters of support for this bill from the International Association of Chiefs of Police, the National Sheriffs' Association, and the National Association of Police Organizations.

NATIONAL ASSOCIATION OF POLICE  
ORGANIZATIONS, INC.,  
Washington, DC, January 8, 2007.

Hon. BENNIE THOMPSON,  
Committee on Homeland Security,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN THOMPSON: On behalf of the National Association of Police Organizations (NAPO) representing more than 238,000 law enforcement officers throughout the United States, I would like to thank you for introducing H.R. 1, the "Implementing the 9/

11 Commission Recommendations Act of 2007," and advise you of our support, particularly in regards to Subtitles A and B under Title VII of the legislation. If enacted, this bill will establish a Fusion and Law Enforcement Education and Teaming (FLEET) grant program, as well as a Border Intelligence Fusion Center program to assist state and local law enforcement in protecting our nation's borders from terrorist and related criminal activity.

This legislation recognizes the importance of consistent coordination and communication between the country's local, state, and federal law enforcement in preventing acts of terrorism within the United States. The creation of the FLEET and the Border Intelligence Fusion Center programs will help ensure that state and local law enforcement in border regions are properly supported, trained and informed in order to prevent terrorism before it occurs. Most importantly, these provisions will allow law enforcement agencies to maximize their participation in the fusion centers by providing funds to allow them to assign officers and intelligence analysts to the centers without having to reduce daily neighborhood crime protection.

NAPO believes that homeland security funding greatly assists local law enforcement. However, we also believe that the continuation and full funding of the Community Oriented Policing Services (COPS) program and Byrne-Justice Assistance Grant (JAG) program is imperative.

The "Implementing the 9/11 Commission Recommendations Act of 2007" ensures that state and local first responders along our nation's borders are properly supported, trained and equipped to prevent terrorism before it occurs. I thank you for your continued support of law enforcement. If you have any questions, please feel free to contact me, or NAPO's Legislative Assistant, Andrea Mournighan.

Sincerely,

WILLIAM J. JOHNSON,  
Executive Director.

INTERNATIONAL ASSOCIATION OF  
CHIEFS OF POLICE,  
Alexandria, VA, January 8, 2007.

Hon. BENNIE THOMPSON,  
Chairman, Committee on Homeland Security,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN THOMPSON: On behalf of the International Association of Chiefs of Police (IACP), I am writing to express our strong support for the proposed Fusion and Law Enforcement Education and Teaming (FLEET) Grant Program and the Border Intelligence Fusion Center Program that are contained in H.R. 1, Implementing the 9/11 Commission Recommendations Act of 2007. The IACP believes that the adoption of these two provisions would represent a major step forward in enabling the law enforcement community to better detect, disrupt, and prevent future acts of terrorism.

These provisions reflect the reality that while planning, conducting surveillance, or securing the resources necessary to mount their attacks, terrorists often live in our communities, travel on our highways, and shop in our stores. As we discovered in the aftermath of September 11th, several of the terrorists involved in those attacks had routine encounters with state and local law enforcement officials in the weeks and months before the attack. If state, tribal, and local law enforcement officers are adequately equipped and trained and fully integrated into an information and intelligence sharing network, they can be invaluable assets in efforts to identify and apprehend suspected terrorists before they strike.

These two provisions emphasize the vital role that state, local, and tribal law enforce-

ment must play in the development and dissemination of critical intelligence in order to detect, prevent, prepare for, and respond to acts of terrorism. It is IACP's belief that they will also help ensure that law enforcement agencies at all levels of government are equal partners, and that the experience and capabilities of all parties are realized, by allowing state, local, and tribal law enforcement to participate more actively in the intelligence gathering and sharing process.

Thank you for continuing support of our nation's law enforcement community. The IACP stands ready to assist in any way possible.

Sincerely,

JOSEPH C. CARTER,  
President.

NATIONAL SHERIFFS' ASSOCIATION,  
Alexandria, Virginia, January 8, 2007.

Hon. BENNIE THOMPSON,  
Chairman, Committee on Homeland Security,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN THOMPSON: On behalf of the National Sheriffs' Association (NSA), I write to you to express our strong support for the provisions contained under Title VII of H.R. 1, "Implementing the 9/11 Commission Recommendations Act of 2007," that would establish Fusion and Law Enforcement Education and Teaming (FLEET) Grant Program and the Border Intelligence Fusion Center Program. NSA believes that the FLEET and Border Intelligence Fusion Center programs would provide the necessary resources and framework for integration to greatly enhance holistic and geographic approaches in homeland security intelligence and information gathering and sharing between federal, state and local law enforcement agencies.

However, our position is contingent upon amending the definition of "local law enforcement agency or department" in Title VII, Subtitle A of the bill—to include all sheriffs' office across the country rather than just those "sheriffs office in communities where there is no police department" to ensure that sheriffs' offices where police department is present are not excluded from grant eligibility under the FLEET Grant Program. As you may be aware, a sheriff is the chief law enforcement officer in their respective county and have jurisdiction over all cities within that county. Thus, we respectfully request that the language of the bill be amended to appropriately reflect and recognize the proper authority of the office of sheriff.

As the voice of 3,087 elected sheriffs across the country and the largest association of law enforcement professionals in the nation, the communication and integration of federal homeland security efforts with state and local fusion centers is an important priority for NSA. Since the events of September 11, the significance of how local law enforcement information might protect national security and the importance of homeland security intelligence and information gathering and sharing have increased substantially. As recognized by your committee, homeland security intelligence and information pertains not only to terrorist intentions and capabilities to attack people and infrastructure within the United States but also to U.S. abilities to detect, prevent, prepare for and respond to potential terrorist attacks.

Sheriffs and their deputies play a critical role in homeland security intelligence and information efforts as the nation's counter-terrorism "eyes and ears." Local law enforcement personnel will almost always be the first to experience first hand suspicious activities and first to respond to any terrorist event. Clearly, there is a national intelligence role for state and local law enforcement in which they make contributions

to preventing attacks or other inimical acts directed against the United States. NSA believes that the proposed programs would facilitate change in the organizational culture barrier thereby establishing state and local law enforcement entities as equal partners in homeland security intelligence efforts. Moreover, these programs would help build an integrated intelligence capability to address threats to the homeland, consistent with U.S. laws and the protection of privacy and civil liberties.

Sheriffs across the nation share a common counterterrorism interest. The proliferation of intelligence and fusion centers across the country reflect the importance and the value to gathering and sharing information that assists local law enforcement agencies in preventing and responding to local manifestations of threats to their community. We want to thank you for your efforts in addressing this important issue and look forward to working with you to ensure the enactment of these provisions as well as other proposed initiatives in your "LEAP: A Law Enforcement Assistance and Partnership Strategy" report.

Sincerely,

SHERIFF TED KAMATCHUS,

*President.*

Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, on our side of the aisle the Democrats over the last 3 years have identified some gaping holes in our Nation's security, even in aviation where we have spent the most money. You can do it in two ways: you can have state-of-the-art equipment and not a lot of people, or a lot of people and not very good equipment, or a mix of the two.

The Republicans have chosen to do neither. They haven't been willing to buy the equipment we need: state-of-the-art explosives detection equipment at passenger checkpoints. They haven't been willing to invest in the inline screening for baggage, and they put a totally arbitrary cap on the number of screeners. There are gaping holes. We are going to plug those. A quarter of a billion dollars for explosives screening at passenger checkpoints, a known threat. A billion dollars for inline screening which the Republicans have refused to fund.

For 4 years, airports across America have begged for inline screening grants. None have been forthcoming from the Republicans. They are saying they have taken care of everything in such a great bipartisan way.

Now my friend from Florida got up and waxed poetic about San Francisco and said it was due to two things: private screeners and inline screening. Well, the inline equipment I agree with him, and we are going to fund it, unlike the majority. We will install it in every airport in America.

But I disagree on the privatized screening because actually it turns out now that the private screeners at San Francisco were tipped off before the inspectors came through. They don't do any better, and maybe would do worse without those tips, than our public employees. We are going to give them the tools they need.

On containers, Assistant Secretary Michael Jackson said they want to

screen every container before they leave a U.S. port for the interior. Why? Because they might contain threats.

And we said, What does that make our ports, a sacrifice zone if they have a nuclear weapon contained in them?

We want to screen containers on the other side of the ocean. Now we hear people on that side get up and say hundreds of billions of dollars to screen these containers. Actually, it is 30 to \$50 per container. There are 11 million containers. That is somewhere between 300 and \$500 million a year, paid for by a modest fee on the shippers, not by the taxpayers of America.

We are going to make America more secure. We are going to plug the holes you left in our security and fix the problem.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. GILLIBRAND), a new Member of Congress.

Mrs. GILLIBRAND. Mr. Speaker, I thank Chairman THOMPSON for this opportunity to address this crucial issue.

I am proud that the 110th Congress has put homeland security as its highest priority and will ensure that our country will finally get the security investment it needs.

In 2004, the 9/11 Commission provided us with a nonpartisan assessment of our current state of readiness. And while a few of their recommendations have been enacted, this administration and the previous congressional leadership did not make these recommendations a funding priority.

The bill we will pass today addresses many of the concerns of the 9/11 Commission, including one of the biggest for New York State, which is port security. Two of the busiest ports in the world, both in Hong Kong, already scan 100 percent of their cargo containers. There is no reason that all ships destined for the United States shouldn't be held to the same standard.

The bill we are voting on today gives the largest ports in the world 3 years to implement a system to scan for radiation and density on all containers coming into this country. This impacts my district, in particular, because my district geographically surrounds the port of Albany. If a container with radioactive materials came up the Hudson River from New York City and was unloaded in Albany, it would devastate our entire region. Such a risk will be addressed by this legislation.

This bill is also important to me as a mother and to all parents in my district and in our Nation. Every time we travel by airplane and bring our children, we are concerned about safety. This bill will allow parents and grandparents to know that our children will be safer when we travel by plane by requiring 100 percent of air cargo to be scanned by the end of 2009, as well as providing funding for anti-bomb detection for bags and passengers.

I am also pleased that this bill reflects the fact that our first responders

are indeed "first preventers." As we all remember, on 9/11 many firemen and police officers gave up their lives because they couldn't communicate. Up until now, we have not yet invested sufficiently to improve such communication capabilities. This bill will do just that.

Finally, I am very pleased that this bill includes investments against terrorist attacks by securing nuclear materials from the former Soviet Union. If you ask any terrorist expert in the world, they will tell you this is their gravest concern. And, finally, I am extremely pleased this funding will be based on risk. For New York State, that means increased funding for my State, including my district.

The U.S. Congress must always make the safety of the American people its number one concern. I am confident this bill will do just that.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY), a member of the Homeland Security Committee.

Mr. MARKEY. Mr. Speaker, I thank the chairman very much.

In this bill there are two provisions which have been blocked for 4 years by the White House and by Republican leadership. They are going to be included in this bill and passed this afternoon.

One is to require that all cargo which is placed on passenger planes in the United States is screened so that there is no bomb, there is nothing that can lead to a catastrophic event in the air, does in fact pass through security. This is a huge change. Each of us has our bags screened, our shoes screened; but the cargo on that same plane placed next to our bags is not screened. This bill will make that possible. I have been working with Mr. SHAYS from Connecticut on this for the last 4 years. Today is a historic day.

Secondly, there is an amendment in this bill which will ensure the screening of all ships, all cargo overseas before it departs for the United States to determine whether or not there is a nuclear bomb on that plane. We know that is al Qaeda's highest objective: to obtain a nuclear weapon from the former Soviet Union or from some other rogue state, to then transport it to a port somewhere around the world, put it on a ship and bring it to a port in the United States. When it is in the port of New York or Boston or Long Beach, it is already too late.

□ 1600

The bomb will be detonated by remote on the ship, causing the catastrophic event, not as the cargo is being taken off. So this amendment requires the screening of all that cargo overseas. This is long overdue. It is al Qaeda's dream to have a nuclear explosion in a major American city, and now, finally, today we do this.

I want to compliment Mr. NADLER on all of his work over the years on this



issue, for his leadership. I thank the chairman, the ranking member, Mr. KING, for all of their courtesies over the last several years.

Mr. THOMPSON of Mississippi. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent to control the time on this side in the temporary absence of the ranking member, Mr. KING.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. REICHERT), a member of the committee.

Mr. REICHERT. Mr. Speaker, I thank the gentleman.

Mr. Speaker, last year as chairman of the Homeland Security Subcommittee on Emergency Preparedness, I oversaw many of the committee's accomplishments in addressing recommendations of the 9/11 Commission. Among them were the successful passage of the 21st Century Emergency Communications Bill, the Faster, Smarter Funding Act, and comprehensive bipartisan FEMA reform legislation. My subcommittee, as well as the entire Homeland Security Committee, was successful last year because of our willingness and ability to work across the aisle to find solutions to problems. As a result, I am disappointed in the way that H.R. 1 is coming before the House today.

I remain a strong supporter of certain aspects of this legislation, such as the language that makes first responder funding risk-based. Unfortunately, I have many concerns about other language included in this bill and believe that H.R. 1 would be better public policy had the bill been considered in committee and a rule allowed for an open amendment process.

This legislation, Mr. Speaker, includes a new grant program that is intended to make grants to local law enforcement to pay personnel costs of officers serving in intelligence fusion centers. As a former sheriff of a major metropolitan county encompassing the City of Seattle, I certainly agree with and understand the need for this authority.

One of my major goals in Congress is to continue to fund local law enforcement as their responsibility grows and grows to protect this homeland. So I support the direction of the this bill. However, as it is written, the language in this bill is unclear as to whether or not it may not apply to all police agencies, all Sheriff's departments, across the country. This problem could have been resolved if we had a bipartisan bill, and I would have been glad to work with my friends across the aisle on this issue.

In addition, I have grave concerns for section 408, which includes the TSA personnel management provision. This provision removes the flexibility of

TSA to move employees where they are needed most. This provision was not a 9/11 Commission recommendation and has no place in a bill that is described as enacting those recommendations. Including this provision without hearings or examining its potential impact is irresponsible.

Last summer, during the U.K. liquid explosives scare, the Department of Homeland Security was able to retrain and rapidly deploy TSA officers to address this new threat. Section 408 of this legislation would remove that authority. This provision warrants a full debate in committee and also on the House floor.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1½ minutes to the gentlelady from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. MURTHA, thank you for your leadership. It is good to see you in the Speaker's Chair. Let me thank the chairman of the committee, Mr. THOMPSON, for his vision and his leadership.

Very quickly, let me remind my colleagues of the tragic incident where we saw the massive loss of life on September 11, 2001. Today we stand on the floor in 2007 finishing the work that was not done by this part Republican Congress since 2001. So I applaud the leadership of this committee for moving forward on responding to the tragedy that changed the lives of so many Americans and those who are still suffering because of the deaths of their loved ones.

This is an important step and an important day, and I quickly acknowledge the fact that we will now have 100 percent scanning of containers bound for the United States. We will have the effectiveness of making sure that the best technology will be used; and also we will tell America that all of the critical infrastructure will be updated and current so we will know those most vulnerable assets.

In addition, we will have for the first time a transportation security planning strategy, and I compliment the gentleman from Mississippi whose bill authored in the last session establishes the importance of having a strategy for transportation security.

Need I remind you of the recent incident with the Metro here in Washington, D.C. Although it was labeled as an accident, we know that the transportation system of America is enormously vulnerable.

I am grateful that we have now a Civil Liberties and Privacy Board that has been languishing in the White House, but now it is under the jurisdiction of the United States Congress. And, yes, the work I have done in the past on anti-smuggling legislation was reaffirmed by the restrictions on terrorists freely traveling without real protection against this danger.

This is a good bill. It is long overdue, and I ask my colleagues to support H.R. 1.

#### INTRODUCTION

Mr. Speaker, September 11, 2001, is a day that is indelibly etched in the psyche of every American and most of the world. Much like the unprovoked attack on Pearl Harbor on December 7, 1941, September 11, is a day that will live in infamy. And as much as Pearl Harbor changed the course of world history by precipitating the global struggle between totalitarian fascism and representative democracy, the transformative impact of September 11 in the course of American and human history is indelible. September 11 was not only the beginning of the Global War on Terror, but moreover, it was the day of innocence lost for a new generation of Americans.

Just like my fellow Americans, I remember September 11 as vividly as if it was yesterday. In my mind's eye, I can still remember being mesmerized by the television as the two airliners crashed into the Twin Towers of the World Trade Center, and I remember the sense of terror we experienced when we realized that this was no accident, that we had been attacked, and that the world as we know it had changed forever. The moment in which the Twin Towers collapsed and the nearly 3,000 innocent Americans died haunts me until this day.

At this moment, I decided that the protection of our homeland would be at the forefront of my legislative agenda. I knew that all of our collective efforts as Americans would all be in vain if we did not achieve our most important priority: the security of our Nation. Accordingly, I became then and continue to this day to be an active and engaged Member of the Committee on Homeland Security who considers our national security paramount.

Our Nation's collective response to the tragedy of September 11 exemplified what has been true of the American people since the inception of our Republic—in times of crisis, we come together and always persevere. Despite the depths of our anguish on the preceding day, on September 12, the American people demonstrated their compassion and solidarity for one another as we began the process of response, recovery, and rebuilding. We transcended our differences and came together to honor the sacrifices and losses sustained by the countless victims of September 11. Let us honor their sacrifices by implementing the bipartisan recommendations of the 9/11 Commission in order to ensure that the tragedy of 9/11 is never repeated. Let us learn from the lessons offered by our history so that we are not destined to repeat them.

#### 9/11 COMMISSION RECOMMENDATIONS

Madam Speaker, I wish to pay tribute to the distinguished chair of the Homeland Security Committee, the gentleman from Mississippi, BENNIE THOMPSON. Under Mr. THOMPSON's visionary leadership, the Democrats on the Committee have performed yeoman service in developing a framework needed to protect the homeland. Unlike the previous Republican leadership, we Democrats embrace wholeheartedly the recommendations of the 9/11 Commission, a body comprised of ten of the most distinguished citizens in this country.

Madam Speaker, I want to talk about several of the key provisions of H.R. 1, the bill implementing the bipartisan 9/11 Commission's recommendations.

## IMPROVING HOMELAND SECURITY—RISK-BASED FUNDING

The importance of providing risk-based allocation of Homeland Security grants cannot be overemphasized. Last December, the 9/11 Commissioners gave an “F” grade to the Administration and Congress on providing risk-based homeland security funding. This bill would substantially increase the share of homeland security grants that are provided to States based on risk, rather than population. Under the bill, a Department of Homeland Security risk assessment would determine each state’s funding and most states would be guaranteed a minimum of 0.25 percent. The bill would provide for a larger minimum (0.45 percent) for states that have a significant international land border and/or adjoin a body of water within North America that contains an international boundary line.

## FIRST RESPONDERS—ENSURING COMMUNICATIONS INTEROPERABILITY FOR FIRST RESPONDERS

Last December, the 9/11 Commissioners also gave an “F” grade to the Administration and Congress on communications interoperability for first responders. This bill would improve the communications capabilities of first responders by establishing a stand-alone communications interoperability grant program at the Department of Homeland Security to provide first responders with the type of equipment that allows them to communicate with one another during emergencies.

## AVIATION SECURITY—INSPECTING CARGO CARRIED ABOARD PASSENGER AIRCRAFT

The 9/11 Commissioners gave a “D” grade to the Administration and Congress for their efforts on enhancing air cargo screening. This bill directs the Department of Homeland Security (DHS) to establish a system for inspecting 100 percent of cargo carried on passenger aircraft over the next 3 years. The bill directs DHS to develop a phased-in approach so that by the end of FY 2007, 35 percent of this cargo is inspected; by the end of FY 2008, 65 percent is inspected; and by the end of FY 2009, 100 percent is inspected.

## IMPROVING THE EXPLOSIVE SCREENING OF CHECKED BAGGAGE ON AIRCRAFT

The 9/11 Commissioners also gave a “D” grade to the Administration and Congress on improving the security of checked baggage. This bill continues the dedication of \$250 million per year currently collected in airport security fees from the Aviation Security Capital Fund for the installation of in-line explosive detection systems for checked baggage at our Nation’s airports for fiscal years 2008 through 2011.

## IMPROVING THE EXPLOSIVE SCREENING OF AIRLINE PASSENGERS

The 9/11 Commissioners gave a “C” grade to the Administration and Congress on improving airline passenger screening checkpoints to detect explosives. This bill requires the Department of Homeland Security to issue a strategic plan for the deployment of explosive detection equipment at passenger checkpoints that is long overdue. The bill also provides new funding in order to make rapid improvements to security measures at passenger checkpoints.

## PORT SECURITY—REQUIRING 100 PERCENT SCANNING OF CONTAINERS BOUND FOR THE U.S.

This bill goes beyond the 9/11 Commission’s recommendations by including provisions that would phase in a requirement for 100 percent scanning of cargo containers

bound for the United States. This provision would require that 100 percent of cargo containers be scanned and sealed using the best available technology before being loaded onto ships destined for the United States. The containers must be scanned by both X-ray machines and radiation detectors.

Large ports would be given 3 years to comply and smaller ports 5 years. (Two of the busiest port terminals in the world—in Hong Kong—already scan 100 percent of cargo containers). The Port of Houston represents a substantial source of vulnerability. The Port is the world’s sixth largest seaport and the Nation’s largest oil port; and for the past 8 years, it has led the Nation in the amount of foreign tonnage.

## CRITICAL INFRASTRUCTURE SECURITY—IMPROVING CRITICAL INFRASTRUCTURE SECURITY

The 9/11 Commissioners gave a “D” grade to the Administration and Congress for their efforts on critical infrastructure assessment. This bill requires the Department of Homeland Security to conduct an annual vulnerability assessment for all critical infrastructure sectors. It also requires DHS to annually update the National Asset Database to ensure that it is a current list of national assets and critical infrastructure.

## OVERALL TRANSPORTATION SECURITY PLANNING—IMPROVING TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

The 9/11 Commissioners gave a “C—” grade to the Administration and Congress on the National Strategy for Transportation Security, arguing that it was too vague to be useful. This bill requires improvements in the National Strategy for Transportation Security, such as by requiring DHS to develop risk-based priorities for transportation security initiatives based on vulnerability assessments conducted by the Department. It also requires DHS to develop a Strategic Information Sharing Plan for transportation in order to significantly improve the sharing of security information with all transportation stakeholders.

I introduced the Security Plans and Training for Rail and Mass Transit Systems Amendment to H.R. 4439 on March 9, 2006. This amendment, which mandated security plans and training for rail and mass transit systems, was adopted by voice vote.

## INFORMATION SHARING—STRENGTHENING INTELLIGENCE AND INFORMATION SHARING WITH LOCAL LAW ENFORCEMENT

The 9/11 Commissioners gave a “D” grade on government information sharing. This bill contains several provisions to strengthen intelligence and information sharing with local law enforcement. First, it strengthens state and local intelligence “fusion” centers, which have been established to gather, analyze and disseminate potentially homeland security-relevant information to appropriate state and local officials. Second, it strengthens the presence of federal agencies, such as the Border Patrol, at fusion centers in border states. Thirdly, it improves the Department of Homeland Security’s Information Sharing Programs.

## TERRORIST TRAVEL—STRENGTHENING EFFORTS TO PREVENT TERRORIST TRAVEL

The 9/11 Commissioners gave an “Incomplete” grade on preventing terrorist travel. This bill improves the capabilities of the Human Smuggling and Trafficking Center by authorizing additional funding to stem human smuggling, human trafficking, and terrorism travel, including requiring the hiring of experienced

intelligence analysts in the field of human trafficking and terrorist travel.

During my tenure as the ranking member of the Immigration and Claims Subcommittee in the Judiciary Committee, I have stressed that alien smuggling will not stop until we establish an immigration policy that substantially reduces the need for illegal entry into the United States. In the meantime, our highest priority should be to do what we can to reduce the deaths from reckless, help in achieving that objective, the Commercial Alien Smuggling Elimination Act (The CASE Act). It would do this by establishing an informant program which has been designed to facilitate the investigation and prosecution, or disruption, of reckless commercial smuggling operations.

Finally, the CASE Act would require the Secretary of Homeland Security to develop and implement an outreach program to educate the public here and abroad about the penalties for smuggling aliens. It also would provide information about the financial rewards and the immigration benefits that would be available for assisting in the investigation, disruption, or prosecution of a commercial alien smuggling operation.

Furthermore, Republicans on the Homeland Security Committee defeated (11 to 16) my amendment (No. 16) to the Department of Homeland Security Authorization Act of Fiscal Year 2006. This amendment required the Secretary of Homeland Security to develop and implement a comprehensive strategy to secure the land borders, based on threat and vulnerability assessments of our ports-of-entry and the vast stretches of land between them.

My Rapid Response Border Protection Act:

Increases in CBP Inspectors, Funding for Essential Equipment, Foreign Language Training, and Incentives to Improve Morale (offered by Ms. JACKSON-LEE, H.R. 4312, Nov. 16, 2005).

The Committee on Homeland Security defeated (12 to 15) the Jackson- (1H) to H.R. 4312, the Border Security and Terrorism Prevention Act of 2005. This amendment provided:

Funding to hire and train an additional 2,000 inspectors and Border Patrol agents each year, beginning with \$375 million for Fiscal Year 2006; \$692 million in Fiscal Year 2007; \$1.008 billion in Fiscal Year 2008; \$1.324 billion in Fiscal Year 2009; and \$1.641 billion in Fiscal Year 2010. These numbers are identical to those authorized in the 9/11 Act.

Funding to provide agents with radios, night-vision equipment, and weapons.

Enhanced foreign language training for border agents and inspectors.

Incentives to improve the morale of border inspectors, including new student loan payments and retirement incentives.

## PREVENTING TERRORISTS FROM ACQUIRING WMD—PREVENTING THE PROLIFERATION OF WMD AND TERRORISM

The 9/11 Commissioners gave a “D” to the Administration and Congress on preventing the proliferation of WMD and terrorism. This bill includes numerous provisions to address this issue, including: strengthening DOD’s Cooperative Threat Reduction (or “Nunn-Lugar”) program that focuses on nuclear materials in the former Soviet Union; strengthening the Energy Department’s Global Threat Reduction Initiative; providing for reforms, increased tools and greater oversight over the Proliferation Security Initiative, through which the United

States and participating countries interdict WMD; establishing a U.S. Coordinator for the Prevention of WMD Proliferation and Terrorism, who would serve as an advisor to the President on all WMD proliferation issues; and requiring the establishment of a blue-ribbon Commission on the Prevention of WMD Proliferation and Terrorism, consisting of experts appointed by both Congress and the President and mandated to develop a clear and comprehensive strategy on preventing WMD proliferation.

ENACTING "THE NUCLEAR BLACK MARKET COUNTER-TERRORISM ACT"

The bill includes "The Nuclear Black Market Counter-Terrorism Act," which requires the President to impose sanctions on any foreign person who trades nuclear enrichment technology to a non-nuclear weapons state or provides items that contribute to the development of a nuclear weapon by a non-nuclear weapons state or any foreign person. Sanctions include prohibiting foreign assistance to such person; prohibiting the export of defense articles, defense services, or dual use items; and prohibiting contracts. These provisions also provide that U.S. assistance should only be provided to countries that are not cooperating with countries or individuals who are engaged in, planning or assisting any terrorist group in the development of nuclear weapons; and to countries that are completely cooperating with the U.S. in its efforts to eliminate nuclear black-market networks. This title also includes enhanced oversight over U.S. efforts to break up nuclear black markets.

STRATEGIES FOR REDUCING THE APPEAL OF EXTREMISM—QUALITY EDUCATIONAL OPPORTUNITIES: PROMOTING QUALITY EDUCATIONAL OPPORTUNITIES IN ARAB AND PREDOMINANTLY MUSLIM COUNTRIES

The 9/11 Commissioners gave a "D" grade regarding increasing secular educational opportunities in Muslim countries. This bill would significantly enhance the International Arab and Muslim Youth Opportunity Fund, which is designed to improve educational opportunities for these youth, by calling for greater funding and outlining specific purposes for the fund. Under the bill, the fund would be used for such purposes as enhancing modern educational programs; funding training and exchange programs for teachers, administrators, and students; and providing other types of assistance such as the translation of foreign books, newspapers and other reading materials into local languages.

DEMOCRACY AND DEVELOPMENT—PROMOTING DEMOCRACY AND DEVELOPMENT IN ARAB AND PREDOMINANTLY MUSLIM COUNTRIES

This bill would authorize the Secretary of State to designate an appropriate private, non-profit U.S. organization as the Middle East Foundation and to provide funding for the foundation through the Middle East Partnership Initiative. The purpose of this foundation would be to support, in the countries of the Middle East, the expansion of civil society; opportunities for political participation of all citizens; protections for internationally recognized human rights; reforms in education; independent media; policies that promote economic opportunities for all citizens; the rule of law; and democratic processes of government. It also requires the Secretary to develop 5-year strategies on fostering human rights and democracy in order to require a long-term approach to the promotion of democracy.

RESTORING U.S. MORAL LEADERSHIP—ADVANCING U.S. INTERESTS THROUGH PUBLIC DIPLOMACY

The 9/11 Commissioners gave a "C" grade for providing a clear U.S. message abroad. This bill calls for the U.S. to improve its communication of ideas and information to people in countries with significant Muslim populations, for U.S. public diplomacy to reaffirm U.S. commitment to democratic principles, and for a significant expansion of U.S. international broadcasting that is targeted to countries with significant Muslim populations. The measure also provides for "surge" authority to allow the Broadcasting Board of Governors to better address emerging situations and opportunities.

EXPANSION OF U.S. SCHOLARSHIP EXCHANGE AND LIBRARY PROGRAMS IN ARAB AND PREDOMINANTLY MUSLIM COUNTRIES

The 9/11 Commissioners gave a "D" grade regarding expanding U.S. scholarship, exchange and library programs in Muslim countries. This bill requires the Secretary of State to prepare a report on the 9/11 Commission's recommendations on these U.S. scholarship, exchange and library programs, including a certification by the Secretary that such recommendations have been implemented, or if a certification cannot be made, what steps have been taken to implement such recommendations. The bill also requires the GAG to review the government's efforts in this area.

DEVELOPING COMMON COALITION STANDARDS FOR TERRORIST DETENTION.

The 9/11 Commission recommended that the U.S. develop a common coalition approach on standards for terrorist detention. Last December, the 9/11 Commissioners then gave the Administration and Congress an "F" grade for failing to do so. This bill requires the Secretary of State, in consultation with the Secretary of Defense and the Attorney General, to submit to Congress a report on progress being made to develop such an approach.

U.S. RELATIONSHIP WITH SAUDI ARABIA, PAKISTAN, AND AFGHANISTAN—SUPPORTING REFORM IN SAUDI ARABIA

The 9/11 Commissioners gave a "D" grade to the Administration and Congress on promoting reform in Saudi Arabia. This bill calls for the U.S. to engage Saudi Arabia on openly confronting the issue of terrorism; to enhance counterterrorism cooperation with Saudi Arabia; and to support Saudi Arabia's efforts to make political, economic, and social reforms throughout the country. The measure also requires the President to report on whether the Administration's "Strategic Dialogue" with Saudi Arabia is meeting these objectives.

HELPING PAKISTAN HANDLE THE THREATS FROM EXTREMISTS

The 9/11 Commissioners gave a "C+" grade on supporting Pakistan against extremists. This bill requires the President to submit a report to Congress on the long-term U.S. strategy to engage with the Government of Pakistan to address curbing the proliferation of nuclear weapons technology; combating poverty and corruption; promoting democracy and the rule of law; and effectively dealing with Islamic extremism. The measure also requires a certification that Pakistan is addressing the continued presence of the Taliban and other violent extremist forces throughout the country as a condition of continued assistance. In addition, it extends the waiver of sanctions on Pakistan because of its military coup until after Pakistan's parliamentary elections.

MAINTAINING A LONG-TERM COMMITMENT TO AFGHANISTAN

This bill calls for the U.S. to maintain its long-term commitment to Afghanistan by increased assistance and the continued deployment of U.S. troops in Afghanistan. It also calls for the President to engage aggressively with the Government of Afghanistan and NATO to explore all options for addressing the narcotics crisis in Afghanistan. It also directs the President to make every effort to dramatically increase the numbers of U.S. and international police trainers, mentors and police personnel operating with Afghan civil security forces; and to address current short-term shortages of energy in Afghanistan, in order to ensure the delivery of electricity to Afghans.

CONCLUSION

Madam Speaker, as I stand here today, my heart still grieves for those who perished on flights United Airlines 93, American Airlines 77, American Airlines 11, and United Airlines 175. When the sun rose on the morning of September 11, none of us knew that it would end in an inferno in the magnificent World Trade Center Towers in New York City, the Pentagon in Washington, D.C., and in the grassy fields of Shanksville, Pennsylvania. How I wish we could have hugged and kissed and held each of the victims one last time.

I stand here remembering those who still suffer, whose hearts still ache over the loss of so many innocent and interrupted lives. My prayer is that for those who lost a father, a mother, a husband, a wife, a child, or a friend will in the days and years ahead take comfort in the certain knowledge that they have gone on to claim the greatest prize, a place in the Lord's loving arms. And down here on the ground, their memory will never die so long as any of the many of us who loved them lives.

Madam Speaker, the best way to honor the memory of those lost in the inferno of 9/11, is to do all we can to ensure that it never happens again. The way to do that is to pass H.R. 1 and implement the 9/11 Commission's recommendations.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, section 621 of H.R. 1 requires the Department of Homeland Security to report to Congress how it plans to implement an automated biometric entry-and-exit data system.

A decade ago, Senator Alan Simpson and I authored the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 which required the Federal Government to develop such an automated entry-and-exit system. This would enable us to know who is entering the United States and when they leave.

Forty percent of all illegal immigrants come to the United States legally but overstay their temporary visas. We can never begin to solve the illegal immigration problem if we don't deal with overstays, and we can never deal with overstays until we have a functioning exit control system.

Instead of mandating completion of the exit component of a U.S. visit, this bill simply requires that the administration submit a report, a report already required by the Intelligence Reform and Terrorism Prevention Act of 2004. The failure to fully implement an

exit control system is more evidence that it will be a long time before our country has secure borders. Instead of helping to change that, this bill only requires a report.

Mr. Speaker, I am disappointed that we have missed an opportunity to better secure our homeland.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1½ minutes to the gentlelady from California (Ms. LORETTA SANCHEZ).

Mr. LORETTA SANCHEZ of California. Thank you, Mr. Chairman, and it feels great to call you Mr. Chairman.

I rise today in support of H.R. 1, the Implementing the 9/11 Recommendations Act of 2007, and as a Member who has been on the Homeland Security Committee since its inception and a ranking member on one of its major committees, I am really thrilled that we are bringing this legislation on the real first day of legislative business.

There are some really essential things in this. One major thing would be to achieve real security by implementing and distributing most homeland security grant funding on the basis of risk. After the Department of Homeland Security's completion of a comprehensive risk assessment, States with lower risks will be guaranteed 25 percent funding, or 45 percent if that State has an international land or sea border. This is important because, as we know, there are many States that need that money, and they need it now.

Another important provision of this will be the infrastructure database, one that I have been talking about for the last 4 years and trying to get together. Let's just get that done. These requirements would satisfy the 9/11 Commission recommendation for the development of a reliable and complete list of the Nation's critical infrastructure to be used so we can help to assess the threats and allocate the limited resources that we have.

Of course, I am particularly pleased we are going to have an Office of Appeals and Redress. This is something that I offered as an amendment in committee which is included in this legislation so that people who are on the terrorist list have some way to get off if they are innocent.

I rise today in support of H.R. 1, the Implementing the 9/11 Recommendations Act of 2007.

Over the last several Congresses, my work as the ranking member of the Economic Security, Infrastructure Security and Cyber Security Subcommittee of the Homeland Security Committee has focused on the threats to our Nation's security and how we can best protect ourselves from those threats.

This legislation is an essential step towards achieving real security by implementing outstanding 9/11 Commission recommendations.

One major security enhancement in this legislation is the move to distribute most homeland security grant funding on the basis of risk.

After the Department of Homeland Security's completion of comprehensive risk assessments, States with lower risk will be guar-

anteed 25 percent of all homeland security funding, or 45 percent if the State has an international land or sea border.

This provision strikes an appropriate balance between allocating most of the funding based on risk, while ensuring that every State will have the funding to maintain the necessary level of preparedness.

Another important provision in this legislation requires annual updates of the National Asset Database, and the creation of a subset, the National At-Risk Database which will list the infrastructure most at risk to terrorist attacks.

In addition, the provision requires the Department of Homeland Security to consult each State annually to discuss their assets, and confer with them before removing a State asset from the Database.

These requirements satisfy the 9/11 Commission recommendation for the development of a reliable and complete list of the Nation's critical infrastructure to be used to assess threats and allocate infrastructure protection grants.

I am also particularly pleased that a provision to establish an Office of Appeals and Redress that I offered as an amendment in Committee was included in this legislation.

I drafted this provision in response to my constituents' frustrations when they were held up because they had the same name as someone on the no-fly list, a frustration that I experienced personally several months ago.

The establishment of this DHS-wide office will ensure a timely and fair process for individuals that are wrongly identified, to seek redress, correct their records and reduce, or end, repeated delays and missed flights.

These are just a few of the important provisions in H.R. 1 that will improve our Nation's security. I urge my colleagues to support this important legislation.

Mr. SMITH of Texas. Mr. Speaker, I yield 1½ minutes to the gentleman from New Mexico (Mr. PEARCE), a member of the committee.

Mr. PEARCE. Mr. Speaker, I appreciate our colleague's efforts to secure the Nation. We join in that effort. Protecting our homeland requires diligence, resolve and common sense, and I salute my colleagues who drafted the bill. However, since we had no process in committee to discuss or amend the bill, we are simply left with asking rhetorical questions here on the floor.

We were told earlier that for \$30 to \$40 per container we were going to secure America. I hold in front of me my passport. I am about to get that renewed. Every 10 years we do that, and it is going to cost \$82. I will tell you that we had secure communications, secure briefings in homeland security, how they cannot secure even our passports for \$82, yet we are going to secure containers that are coming from the Middle East full of oil; we are going to secure containers full of vegetables; and we are not going to interrupt commerce.

We cannot even count on some of our friends to protect the intellectual property rights on compact discs, and yet we are going to trust them to offer the security of this Nation.

These are the questions that should have come up in committee. These are

the questions that should come up today. These are the questions that are being ignored, and we are being asked to look the other way and declare the Nation safer.

I join with my colleagues in saying it is awfully important for us to make the Nation safe. The way we do that is to prosecute the war on terror, to take the will away from those people who would strike this country, to ensure that intelligence will provide us with the resources and the application of the resources to the areas of greatest threat. We cannot secure containers for \$30 apiece when we can't secure the passport for \$82.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1½ minutes to the gentleman from Rhode Island (Mr. LANGEVIN), a member of the Homeland Security Committee.

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Chairman, I want to thank you for yielding.

Mr. Speaker, I rise today to commend this body for getting us back on track to fully implementing all the recommendations made by the bipartisan 9/11 Commission. The 9/11 Commission provided an objective and eye-opening assessment of how terrorists were able to exploit our security vulnerabilities on September 11 and made 41 key recommendations to address these shortcomings. Unfortunately, 2½ years after the Commission's report, glaring threats still remain.

Just over a year ago, the 9/11 Discourse Project issued a report card that gave the administration Ds and Fs in some of the most critical areas. Today, we finally have an opportunity to ensure that the 9/11 Commission's tireless efforts were not in vain. H.R. 1 would shore up remaining vulnerabilities and implement recommendations that have been ignored completely or have been only partially addressed until now.

As the ranking member of the Subcommittee on the Prevention of Nuclear and Biological Attack in the 109th Congress, I am pleased that this bill makes it more difficult for terrorists to obtain nuclear materials. It strengthens our global nonproliferation programs, which have proven successful in securing the most dangerous nuclear material abroad.

To further protect our homeland from nuclear threats, H.R. 1 also requires 100 percent screening of cargo.

Finally, this legislation will help our first responders, who place their lives on the line each and every day, by funding State and local interoperable communications systems essential for emergency response. H.R. 1 also significantly improves information sharing, which is our first line of defense.

This is a good bill, and I urge passage.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield for the purpose of

unanimous consent to the gentleman from New York (Ms. CLARKE).

(Ms. CLARKE asked and was given permission to revise and extend her remarks.)

Ms. CLARKE. Mr. Speaker, I rise as a proud New Yorker and a new member of the Homeland Security Committee in enthusiastic support of H.R. 1.

Mr. Speaker, I rise in full support of H.R. 1, Implementing the 9/11 Commission's Recommendations. As a New Yorker and a member of the Homeland Security Committee, this bill will implement very important recommendations that will ensure countries' citizens are more secure.

During the attacks of September 11, the lives of nearly 400 persons from Brooklyn, New York, came to an abrupt end due to terrorists who used commercial airliners as guided missiles and crashed them into both of the World Trade Center Towers in lower Manhattan. In accordance with the attacks, more innocent lives were lost due to an adequately communication infrastructure. This bill will help to address this shortfall in our first responders' ability to coordinate future rescue efforts.

I cannot think of a better way of honoring the memories, sacrifice and dedication of New York City's first responders: Fire Department of New York—FDNY; Emergency Medical Service—EMS; New York Police Department—NYPD; and the Port Authority Police Department—PAPD.

Terrorism is not an Islamic issue or a Muslim issue, it is a human issue. No matter what form or by whom it is perpetrated, terrorism is a direct threat to our civil society. I believe that these recommendations will help restore civility in our world. We must continue to demonstrate that Americans are good people, and overall, we want to help each other. Our diplomatic efforts will become more robust, our presence will be more visible and our day to day activities with our neighbors around the world, more meaningful. The bill's provisions include requiring major improvements in aviation security, border security, and infrastructure security; providing first responders the equipment and training they need; beefing up efforts to prevent terrorists from acquiring weapons of mass destruction; and significantly expanding diplomatic, economic, educational, and other strategies designed to counter terrorism.

Overall, Mr. Speaker, I believe the recommendations will help make our nation safer and will limit the likelihood of a similar attack on our country. I fully support this legislation and encourage all of my colleagues to do the same.

Mr. KING of New York. Mr. Speaker, I yield 2½ minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I heard all during the fall campaign from the Democratic side of the aisle, the new majority, how they were going to fully implement, fully implement, the recommendations of the 9/11 Commission and talk about how the then Republican majority failed miserably, and the 9/11 Commission gave the Republicans failing grades, failing grades for passing 39 out of 41 recommendations by the bipartisan commission.

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Now, when I do the math on that, that is 95 percent. I do not know about your school, Mr. Speaker, but at Georgia Tech, 95 percent was a solid A.

But the point I want to make is that in no way, shape, or form is the new majority coming forward with full implementation of the recommendations of the 9/11 Commission. And I hope the media and I hope the 9/11 families do not give you a pass on this.

When you look at those 41 recommendations, a couple that we were not able to pass, that we did not pass, and I think we probably should have, one of them was especially in regard to the House Permanent Select Committee on Intelligence, having that as a balanced committee, almost like the House Committee on Standards of Official Behavior, the ethics committee, where you have an equal balance between the two sides, the commission has called for a one-vote margin, a one-person margin for the majority. You have structured that committee with a 12-9 majority for the Democrats.

Also, the commission has called for open disclosure, Mr. Speaker, in regard to the funding for intelligence, that every Member of this body should have an opportunity to see what each of 15 agencies, not just the CIA but all those agencies embedded within the Department of Defense and under the control of the Deputy Secretary of Intelligence within the Department, we need to know what that spending is. So let us tell the truth and be honest with the American people.

Mr. Speaker, a little earlier, the distinguished majority leader, who I have great respect for, and I know you have great respect for Mr. HOYER, said that the Democratic co-Chair of the 9/11 Commission, Mr. Hamilton, said: "If H.R. 1 is implemented and fully funded, the American people will be safer." No, duh. But at what cost?

And, Mr. Speaker, what the former Republican majority has done in regard to container security initiatives, we screen every container.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1 minute to the former sheriff from southern Indiana, who is now a Member of Congress, Mr. ELLSWORTH.

Mr. ELLSWORTH. Mr. Speaker, I thank the gentleman for yielding.

When the 9/11 Commission completed their extensive investigation, they reported an inability of the public safety organizations at the local, State, and Federal levels to establish compatible and adequate communications. According to the report, a commitment had to be made to improve the interoperability of emergency communications and capabilities for first responders.

With nearly 25 years of law enforcement experience, I understand the essential need for effective emergency communications. When a devastating tornado ripped through my community in November of 2005, our local first responders were equipped to commu-

nicate with each other. However, the much-needed help we needed from other agencies was difficult during this time because they were unable to speak to us when they came on the scene.

For too long Congress has been decidedly ineffective in addressing our country's most pressing security needs. The 9/11 Commission gave Congress an F on ensuring communication interoperability for first responders. We need to rectify this. Congress and the Federal Government can and must do better, and that is why I stand in support and strongly endorse the implementation of the 9/11 Commission's recommendations.

Mr. KING of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut, who has been on this issue for so many years, including before September 11, Mr. SHAYS.

Mr. SHAYS. I thank the gentleman for yielding, and I just want to say to PETER KING, as chairman you ran this committee in such a bipartisan way and worked well with the now-chairman, and I just hope and pray that this continues on a bipartisan basis.

I want to say as well that I am excited to be back for 2 years to wrestle with the people's business, and these are very important issues.

As co-chairman of the 9/11 Commission Caucus, I could tell you reasons why you might want to vote against the bill. It does not provide the total amount spent on intelligence. It does not address recommendations to shift covert operations from CIA to defense. It does not create a separate appropriation subcommittee on intelligence. It does not make a select permanent committee a full committee, nor does it address the jurisdictions of the Department of Homeland Security.

I could tell you those would be reasons why you could be disappointed. But why you should like this bill is that it deals with expanding risk-based funding, and it deals more with interoperability, which is a huge issue.

I am particularly concerned about screening all cargo on passenger planes within 3 years, and I am happy this bill does that. Cargo screening, I am not sure if it will screen 100 percent of cargo, but I do think it moves us towards doing what we need to do to identify radiation and potential nuclear weapons. I particularly like making the Privacy and Civil Liberties Board an independent agency and giving it subpoena power.

These are things that I think move the ball forward. I think Republicans did it in the last session, and I think this legislation is a good step forward. So we can find reasons why we may not like it; but I would hope, in the end, on a bipartisan basis, we can recognize that it does a lot more good and therefore deserves our support.

Again, I thank Mr. KING for his leadership as chairman, and I welcome our new chairman.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield such time as he may

consume to the distinguished member of the Committee on Energy and Commerce, the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, on behalf of Mr. DINGELL, who unfortunately is delayed at the White House, I want to enter into a colloquy with the gentleman from Mississippi.

I appreciate the gentleman's yielding to me to consider the aspects of H.R. 1 that are of jurisdictional interests to the Committee on Energy and Commerce. I regret that time will not allow for a full discussion on the floor of the areas where clarification and collaboration are warranted.

Earlier today, Mr. DINGELL sent a letter to you, Mr. Chairman, outlining areas where the Energy and Commerce Committee would like to work together with your committee in a meaningful manner as the bill moves forward. The response received was that you recognize the Committee on Energy and Commerce has jurisdictional interest in a number of aspects of the bill. Mr. DINGELL wishes to get assurances from you that you will work with us and members of the Energy and Commerce Committee as this legislation moves forward to ensure that the bill does not result in the private sector being subjected to conflicting or inconsistent rules or guidance. Does the gentleman from Mississippi agree?

Mr. THOMPSON of Mississippi. I agree we should avoid conflicting or inconsistent rules or guidance.

Mr. STUPAK. I thank the chairman, and I hereby submit both letters for the RECORD to ensure the record is complete on this matter.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
Washington, DC, January 9, 2007.

Hon. JOHN D. DINGELL,  
Rayburn House Office Building,  
Washington, DC.

DEAR CHAIRMAN DINGELL: I appreciate your letter regarding certain aspects of H.R. 1, the "Implementing the 9/11 Commission Recommendations Act of 2007."

While it is important to note that I do not control the entire process, as there are other House Committees involved and the Senate will likely have its own positions on a variety of these issues, I would be glad to work with you as the legislation moves forward. I agree we should avoid conflicting or inconsistent rules and guidance. As for the specific areas of interest that you raise in your letter, I am pleased to respond to each issue, point by point, as raised in your letter.

First, I would say that it is the my intention that the Secretary of Homeland Security, in developing risk-based funding criteria for first responder programs, coordinate with the Secretary of Health and Human Services. Additionally, I am pleased to work with you to ensure that issues regarding the Department of Energy's Megaports program and the cargo scanning requirement contained in the bill are addressed.

Your letter also seeks clarification on the intended impact of the word "except" in section 901 of the bill and how it would relate to activities underway by the Environmental Protection Agency (EPA). In answer to your question, I do agree that the effect of the "except" clause is that there is no require-

ment that for the Department of Homeland Security to perform vulnerability assessments at drinking water utilities. However, I note that the Department of Homeland Security does use the drinking water vulnerability assessments conducted under the Safe Drinking Water Act for a number of purposes, and it works with the EPA on these issues. It is not the intention of this legislation to affect that relationship either. Additionally, it is not my intention that the voluntary program outlined in Title XI of the bill interfere with the mandatory Clean Air Act program. As for energy, I am pleased to work with you to clarify that the bill does not intend to conflict with respect to the types of energy-related regulatory or administrative regimes identified in your letter.

Finally, with respect to your questions on telecommunications and cybersecurity, I am pleased to work with you on the matters raised and agree that the bill does not attempt in any way to diminish or dilute any authority or resources of the Assistant Secretary for Cyber Security or of other Federal agencies engaged in efforts to secure cyber space. I would note that Rep. Zoe Lofgren, a Member of the Homeland Security Committee, was one of the original sponsors of H.R. 285, the bill to create the Assistant Secretary of Cyber Security, during the 109th Congress. I have been glad to work to create this position, and I agree that is not the intention of the bill to weaken that position. I also do not intend to weaken other federal cyber security efforts.

I appreciate the cooperation in this manner and look forward to working with you, as this bill moves through the legislative process.

Sincerely,

BENNIE G. THOMPSON,  
Chairman.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, January 9, 2007.

Hon. BENNIE G. THOMPSON,  
Chairman, Committee on Homeland Security,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to seek clarification on jurisdictional aspects of H.R. 1, the "Implementing the 9/11 Commission Recommendations Act of 2007". The bill appears to concern many sectors of the United States economy. These include food safety, chemical safety, energy, electric reliability, nuclear energy, public health and health care, biological threats, telecommunications, the Internet, pipeline safety, safe drinking water, and hydroelectric facilities.

As the Committee on Energy and Commerce has jurisdiction on statutes that concern these economic sectors and has relevant expertise to offer, I would like assurances that you will continue to work with me in a meaningful manner on these issues as the bill moves forward. I believe that such collaboration will help ensure that the bill does not result in the private sector being subjected to conflicting or inconsistent rules or guidance.

I would like to give a few examples of portions of the bill where clarification would be helpful. First, with respect to first responders in emergency situations, Section 101 of the bill requires the Secretary of Homeland Security to establish risk-based evaluation and prioritization criteria for Department of Homeland Security grants to first responders. The new Section 2004(a) of the Homeland Security Act created by Section 101 of this bill requires the Secretary, "in establishing criteria for evaluating and prioritizing applications for covered grants," to "coordinate" with "other Department officials as determined by the Secretary." In developing the criteria, do you intend for the Secretary of

Homeland Security to coordinate with the Secretary of Health and Human Services, among other Federal agencies?

As to the scanning of containers at foreign ports, there is a provision in Title V of the bill to require the scanning of 100 percent of containers before they leave foreign ports bound for the United States. The Department of Energy has a "Megaports Initiative" to secure containers at foreign ports. As the scanning requirement contained in the bill may raise a number of issues involving the Department of Energy's Megaports program, will you work with me to ensure that these issues are addressed?

As to environmental matters, Section 901 requires the Secretary of Homeland Security to prepare a vulnerability assessment of critical infrastructure "Except where a vulnerability assessment is required under another provision of law." The Safe Drinking Water Act requires drinking water utilities to conduct vulnerability assessments and provide them to the Environmental Protection Agency (EPA) for review. Do you agree that the effect of the "except" clause is that there is no requirement for Homeland Security officials to perform vulnerability assessments at drinking water utilities?

Continuing with environmental matters, Title XI of the bill directs the Secretary of Homeland Security to develop and implement a program to enhance private sector emergency preparedness through the promotion and use of voluntary standards. Section 112(r) of the Clean Air Act establishes a regulatory program that concerns accidental releases of hazardous chemicals, and the program requires covered facilities to prepare an emergency response plan. That plan must inform the public and local agencies as to accidental releases, emergency health care, and employee training measures. Am I correct that you do not intend for the bill's voluntary program to interfere with the mandatory Clean Air Act program?

Turning to energy, I want to work with you to clarify the bill's effect with respect to independent regulatory commissions in the field, such as the Federal Energy Regulatory Commission (FERC) and the Nuclear Regulatory Commission (NRC), as well as the Department of Energy (DOE), which issues health and safety regulations for protection of the public, workers, and the environment. The areas of concern regarding energy include the following:

(1) The bill's effects on the Energy Reliability Organization recently approved by FERC pursuant to the Energy Policy Act of 2005.

(2) The bill's effects on conditions established by the NRC on construction and operation licenses required of the Nation's nuclear power plants to ensure their safety and reliability, including their ability to withstand natural disasters such as hurricanes and earthquakes and also potential hostile threats.

(3) The bill's effects on rules established by the DOE (in concert with other regulatory agencies such as the Environmental Protection Agency (EPA)) with respect to radiological hazards at the Nation's nuclear waste and weapons facilities, including rules relating to worker safety and the protection of public health and the environment.

Will you work with me to clarify these matters?

Another area of concern relates to various telecommunication issues. One is improving communications interoperability. The National Telecommunications and Information Administration (NTIA), one of the Executive Branch agencies with communications expertise, administers, in consultation with the Department of Homeland Security's, a billion dollar program to improve interoperable emergency communications. Will you



work with me on these telecommunications issues?

Finally, there is the issue of cyber security. For example, several Federal agencies have ongoing efforts to improve cyber security. Similarly, the expert on cyber-security within the Department of Homeland Security is the Assistant Secretary for Cyber Security and Telecommunications, as set out in section 242 of the Department of Homeland Security Appropriations Act for Fiscal Year 2007. Do you agree that this bill does not attempt in any way to diminish or dilute any authority or resources of the Assistant Secretary for Cyber Security or of other Federal agencies engaged in efforts to secure cyber space?

I appreciate your cooperation. In closing, I note that additional issues may be identified that would benefit from our cooperative efforts. Thank you in advance for considering my concerns and providing the necessary clarification on these matters.

Sincerely,

JOHN D. DINGELL,  
Chairman,  
Committee on Energy and Commerce.

Mr. THOMPSON of Mississippi. I yield 1 minute to the gentleman from Michigan (Mr. STUPAK) for his statement.

Mr. STUPAK. I thank the gentleman for yielding to me as I rise in support of the H.R. 1 legislation to implement the 9/11 Commission recommendations.

For far too long, police officers have not been able to communicate directly with firefighters, EMT, and other emergency personnel. This is called interoperability. This lack of the ability to communicate with each other resulted in the deaths of 121 firefighters on September 11 because no one could tell these firefighters to get out of the building before the World Trade Center fell upon them.

The 9/11 Commission concluded that the inability to communicate was a critical element in the World Trade Center, Pentagon, and Somerset County, Pennsylvania, crash sites. Federal funding of such interagency communication units should be given a high priority, so said the 9/11 Commission.

I have been down to this floor repeatedly since then trying to increase money for interoperability so we could communicate with each other. Last year, I actually introduced an amendment which asked for \$5.8 billion of the \$18 billion estimated for this interoperability program, and, unfortunately, my Republican colleagues defeated the amendment on a tie vote.

Mr. Speaker, at a minimum, we owe our first responders the tools they need to do the jobs they need to do so that they may protect the American people.

Mr. Speaker, I rise in support of H.R. 1, legislation to implement the 9–11 Commission's recommendation.

For far too long, police officers have not been able to communicate directly with firefighters or EMT in their own city or just across jurisdictional lines. This lack of the ability to communicate is called interoperability. The lack of interoperability resulted in the deaths of 121 firefighters on September 11th because no one could tell these firefighters that the World Trade Center was about to cave in on them.

The 9–11 Commissioners concluded:

The inability to communicate was a critical element of the World Trade Center, Pentagon, and Somerset County, Pennsylvania, crash sites . . . Federal funding of such (interagency communication) units should be given high priority—9–11 COMMISSION REPORT

In 2005, the 9–11 Commission gave Congress and the Administration an "F" for failing to address our nation's interoperability problem.

H.R. 1 would establish a grant program within the Department of Homeland Security dedicated to interoperable communications and require greater accountability at DHS.

In the past, I have offered an amendment to apply \$5.8 billion dollars to the new grant program, but my Republican colleagues defeated my amendment on a tie vote.

Republicans defeated similar Democratic efforts in the Homeland Security Committee. Time and time again, the Republican-led House blocked more funding for interoperable communications.

Mr. Speaker, at minimum, we owe our first responders the tools they need to do their jobs to make America safe—our first responders must be able to communicate. Today, Congress is taking steps to provide those tools and ensure we never repeat the mistakes of 9–11.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, it has been almost 3 years since the train bombing in Madrid, almost 2 years since the transit bombing in London, and nearly a year since the commuter rail bombings in Bombay, India; yet the Bush administration has done nothing to protect the Nation's freight and transit rail systems and its millions of passengers.

We cannot keep treating our rail infrastructure as second-class citizens. We have dedicated billions of dollars to repair the rail system in Iraq but have done little to invest in the security upgrades needed right here in America.

Another perfect example of falling down on the job is the administration repeatedly zeroing out the Port Security Grant program, which is one of the few sources for a port to improve anti-terrorist measures in their facilities.

Passing this bill will be the first step in a long road to protecting the people of this Nation and making sure our communities, our first responders, and our transportation workers are safe.

In December 2005, the 9/11 Commission gave the administration and Congress five Fs and 12 Ds. An example of one of these F grades is in providing a risk-based allocation of homeland security.

I encourage all the Members to vote for this bill.

Mr. THOMPSON of Mississippi. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Pursuant to section 507 of House Resolution 6, further proceedings on the bill will be postponed.

## SELECT INTELLIGENCE OVERSIGHT PANEL

Mr. HASTINGS of Florida. Madam Speaker, pursuant to section 506 of House Resolution 6, I call up the resolution (H. Res. 35) to enhance intelligence oversight authority, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 35

*Resolved*, That in clause 4(a) of rule X of the Rules of the House of Representatives, add the following new paragraph at the end:

"(5)(A) There is established a Select Intelligence Oversight Panel of the Committee on Appropriations (hereinafter in this paragraph referred to as the 'select panel'). The select panel shall be composed of not more than 13 Members, Delegates, or the Resident Commissioner appointed by the Speaker, of whom not more than eight may be from the same political party. The select panel shall include the chairman and ranking minority member of the Committee on Appropriations, the chairman and ranking minority member of its Subcommittee on Defense, six additional members of the Committee on Appropriations, and three members of the Permanent Select Committee on Intelligence.

"(B) The Speaker shall designate one member of the select panel as its chairman and one member as its ranking minority member.

"(C) Each member on the select panel shall be treated as though a member of the Committee on Appropriations for purposes of the select panel.

"(D) The select panel shall review and study on a continuing basis budget requests for and execution of intelligence activities; make recommendations to relevant subcommittees of the Committee on Appropriations; and, on an annual basis, prepare a report to the Defense Subcommittee of the Committee on Appropriations containing budgetary and oversight observations and recommendations for use by such subcommittee in preparation of the classified annex to the bill making appropriations for the Department of Defense.

"(E) Rule XI shall apply to the select panel in the same manner as a subcommittee (except for clause 2(m)(1)(B) of that rule).

"(F) A subpoena of the Committee on Appropriations or its Subcommittee on Defense may specify terms of return to the select panel."

## PARLIAMENTARY INQUIRY

Mr. DREIER. Parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore (Ms. ZOE LOFGREN of California). State your inquiry.

Mr. DREIER. Under what authority are we considering this resolution, Madam Speaker?

The SPEAKER pro tempore. House Resolution 6 provides for its consideration.

Mr. DREIER. Further parliamentary inquiry, Madam Speaker. Did the order of the House which is allowing for consideration of this resolution specify a specific resolution by number in that order?

The SPEAKER pro tempore. It described the resolution by title.

Mr. DREIER. Further parliamentary inquiry. Are there other resolutions

that have been introduced with the title "To enhance intelligence oversight authority"?

The SPEAKER pro tempore. The Chair does not have cognizance of that.

Mr. DREIER. I am sorry?

The SPEAKER pro tempore. The Chair is not aware of that.

Mr. DREIER. Well, further parliamentary inquiry, Madam Speaker. I, with authority, can say that there in fact is a resolution that has been introduced, House Resolution 38, that has the exact same title, which is, "to enhance intelligence oversight authority."

And my question that I would propound to the Chair is whether or not the Chair would have been able to recognize me if I had, in fact, based on the structure of this order of the House, H. Res. 6, I had called up House Resolution 38.

The SPEAKER pro tempore. The gentleman's question is hypothetical, as the gentleman from Florida has already called up the resolution, so the Chair will not speculate whether anybody else could have been recognized.

Mr. DREIER. Thank you very much, Madam Speaker. The only thing that I would say, if I could just engage in a further parliamentary inquiry, is would there in fact have been an opportunity for those of us in the minority had we been recognized by the Chair to call up the resolution other than the one that is called up.

And I know we are going through a transition period, and I want to do everything I possibly can to help the majority to pursue their goals here and try to move this legislation.

The SPEAKER pro tempore. Does the gentleman have a parliamentary inquiry?

Mr. DREIER. I would just like to let those members of the majority know that.

The SPEAKER pro tempore. Pursuant to section 506 of House Resolution 6, the gentleman from Florida (Mr. HASTINGS) and the gentleman from California (Mr. DREIER) each will control 30 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the final report of the National Commission on Terrorist Attacks upon the United States, better known as the 9/11 Commission, made several recommendations on steps that the government could take in order to prevent and prepare for future terrorist attacks.

□ 1630

In particular, the Commission said, and I quote, "Congressional oversight for intelligence and counter terrorism is dysfunctional. Congress should address this problem. We have considered various alternatives: A joint committee on the old model of the Joint Committee on Atomic Energy is one. A

single committee, in each House of Congress, combining authorizing and appropriating authorities is another." End of quote.

Subsequent to the report, commissioners also suggested creating a new appropriations subcommittee dealing only with intelligence matters. It is my pleasure today to see the House implement this recommendation from the 9/11 Commission.

This House rules change, by creating a Select Intelligence Oversight Panel within the House Appropriations Committee, responds to the commission's recommendation by creating a new panel that is made up of members of both the Appropriations Committee and the Intelligence Committee.

The Select Intelligence Oversight Panel will strengthen the oversight process by providing a mechanism for considering intelligence funding and the way appropriated funds are spent on intelligence activities from the combined perspectives of the Appropriations and Intelligence committees. The Select Intelligence Oversight Panel will be primarily responsible for reviewing and studying, including through the hearings process, the President's budget submission for intelligence and the execution of intelligence activities.

The committee will also be tasked with making recommendations to the Defense Appropriations Subcommittee and to other Appropriations subcommittees on intelligence programs, projects, and activities. Moreover, this new panel will, on an annual basis, prepare a report to the Defense Appropriations Subcommittee containing budgetary and oversight observations and recommendations for use by the subcommittee in preparation of the classified annex to the Defense Appropriations Bill.

I see that the Republican members of the Rules Committee, in a letter to the chair lady of that committee, are complaining that we are not allowing the committee process to work its will, and that it is unfair to the Republican side. I would say, to paraphrase Shakespeare, "They do protest too much, methinks."

The 9/11 Commission report was published more than 2½ years ago. Aside from sitting on their collective thumbs, what did the Republicans do on this specific recommendation? Nothing, much like what they did on the rest of the 9/11 report.

Okay. Fine. The President now claims the right to open every citizen's mail without judicial approval. The President says he can listen to every citizen's phone calls without judicial approval. Oh, and read everyone's e-mails too, without judicial approval. But I don't remember those being recommendations of the 9/11 Commission.

Madam Speaker, we are doing this for the security of our Nation and our people. As I said at the outset, this was in large part a recommendation of the 9/11 Commission.

Now, I see my friend from California, and he is my friend, about ready to speak. And I would simply say to the ranking member, maybe you should ask the families of the 9/11 victims if they think Congress should spend another 2 years debating action and then taking none, or whether we should take action and move forward on behalf of the families affected by those terrorist attacks of 9/11 and the rest of the country that is looking for results, not rancor.

No more rancor, Madam Speaker. No rhetoric, Madam Speaker. Results. That is what the American people have asked for, and that is what we will deliver.

Madam Speaker, I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I yield myself such time as I might consume.

Let me begin by saying that I really am somewhat surprised at the remarks of my very good friend. First of all, if you look at the fact that we focused very enthusiastically on the recommendations of the 9/11 Commission and implemented 39 of the 41, we had a challenge in dealing with the issue of jurisdiction. And I have got to say, Madam Speaker, that if you look at the question of jurisdiction and making very important changes in jurisdiction, it is one of the single most difficult things that is to be done.

And I will tell you, I see my friend from Wisconsin (Mr. OBEY) here, the distinguished chairman of the Committee on Appropriations; 13 years ago, he and I had the opportunity to serve on what was known as the Joint Committee on the Organization of Congress. And we had a tough time looking at the issue of jurisdiction.

And you know what, Madam Speaker? After the work of that commission, and unfortunately, when the new majority was in power back then, none of the recommendations of that commission were put into place. None of the brilliant ideas that Mr. OBEY propounded were put into place at that time.

But when we came to majority in 1994, Madam Speaker, I still have scars on my back to show how difficult it was to bring about major jurisdictional reform. And I have to say that it is a very, very difficult thing to do, but essential. At that time, we consolidated, basically eliminated three standing committees. I had Members on both sides of the aisle at that time come to me and say that the future of the Republic was jeopardized if we did not keep the Post Office and Civil Service Committee, the District of Columbia Committee, and the Merchant Marine and Fisheries committee. My God, if we didn't keep that in the place, we as a Nation were going right down the tubes.

But guess what? We eliminated those committee. We reduced by 20 percent the number of subcommittees, and it was very tough. We were going through a transition, as we had Members who

were looking forward to taking on the gavels.

And then something that was equally difficult was dealing with the post-9/11 situation, the Department of Homeland Security. We had to put into place a committee structure here that allowed us to establish this committee on Homeland Security that we have today, taking jurisdiction from other committees.

Similarly, we had a very tough time when it came to the Energy and Commerce Committee and what was then called the Banking Committee, trying to bring that together. It is very tough work. And it saddens me that this great opportunity that is here, like the one we faced in 1994, is slipping away with the measure that we are considering right here.

For that reason, Madam Speaker, I rise in strong opposition to H. Res. 35, this resolution that provides for simply a new oversight committee for national intelligence.

Madam Speaker, as we all know, the five most important words in the middle of the preamble of U.S. Constitution are "provide for the common defense." Part and parcel of that responsibility is effective oversight of the Intelligence community, both to ensure its success and to protect our liberties.

Now, the 9/11 Commission correctly identified significant deficiencies in our national intelligence apparatus and, yes, our oversight of those agencies. The 9/11 Commission, as I said, made 41 separate recommendations. Through enactment of the USA PATRIOT Act, the Homeland Security Act, the 9/11 Recommendation Implementation Act, and I was proud to serve as a conferee in that effort, our majority took affirmative steps to implement nearly all of the 9/11 Commission recommendations.

Is there more that remains to be done? Of course there is. We all acknowledge that. As long as America has enemies, Madam Speaker, we will need to re-evaluate and improve our Nation's defenses.

Does the resolution before us do that? Absolutely not. Unfortunately, it doesn't.

The 9/11 Commission recommended two options for intelligence oversight. First, a joint committee based on the model of the old Joint Committee on Atomic Energy, and second, a single committee in each House of Congress combining authorizing and appropriating authorities. The proposal in front of us today does neither of those things that were recommended by the 9/11 Commission. In fact, it goes in completely the opposite direction, Madam Speaker. Rather than consolidating oversight authority into a single committee that has both authorizing and appropriating authority, it just creates a new committee that has neither, doesn't have either of those powers. So while the 9/11 Commission recommended one committee, we will have three committees dealing with this very important issue.

Further, I am unsure as to what authority this committee actually will have. Having been in the midst of jurisdictional struggles, as I said, for the last decade and a half, I know what it means. As far as I can tell the only authority that this committee has is to write a report to the same people who serve on the committee. They could write a report and give it to themselves.

And the 9/11 Commission was very specific about who should serve on the committee. And I quote from the 9/11 Commission report, Madam Speaker, they said, "Four of the Members appointed to this committee or committees should be a Member who also serves on each of the following additional committees, the Armed Services Committee, the Judiciary Committee, the Foreign Affairs Committee and the Defense Appropriations Subcommittee."

Now, Madam Speaker, where are the members of the Armed Services Committee, Judiciary Committee or the Foreign Affairs Committee?

Apparently, those aspects of our intelligence activities weren't important enough for the promised improved oversight.

Now, did the Republicans enact, as I said, every 9/11 Commission recommendation exactly as they wrote it? No, we didn't. But, we didn't promise to, and I quote from Speaker PELOSI, "to make our Nation safer by implementing all of the recommendations of the independent bipartisan 9/11 Commission."

Now, Madam Speaker, Republicans made sure that there was good communication between the administration, our authorizing committees and Appropriations Committee on intelligence matters. That has made a difference over the last few years. We all know that very, very well. The fact that we haven't had an attack on our soil is, to me, evidence of the success of this administration and the role that this Congress played.

I don't believe that creating committees with both authorizing and appropriating authority, and we have the distinguished former chairman, my always chairman of the Appropriations Committee, my good friend from California (Mr. LEWIS), here, and I know he would share my concern about this merger. But it is something that is worth considering.

Frankly, that notion concentrates a lot of power and erodes some of the very important checks and balances that exist in the committee system. But, frankly, it is very important to note that this resolution does away with even the pretense of bipartisanship.

I applauded enthusiastically when Speaker PELOSI talked about her quest for civility and bipartisanship. And it has been said time and time again, unlike our resolution in the 109th Congress establishing the bipartisan Katrina panel, I remember very well

when we put that together, established it, and it did great work. Unfortunately, this resolution, the resolution on Katrina gave the minority the right to appoint its members. This resolution authorizes the Speaker, the Democratic Speaker, to appoint the Republican members of the committee, without any consultation with the Republicans at all.

The tradition in this House is that each party caucus is responsible for its own appointments. And this resolution, for the first time ever, does away with that precedent.

Now, Madam Speaker, unfortunately, I never got a chance to make those arguments where I should have made those arguments, with my very good friend from Fort Lauderdale (Mr. HASTINGS) where? Right upstairs in the Rules Committee.

As I argued here at the end of last week when we had this measure before us, we had, for the first time in the history of this institution, the first time ever, five closed rules brought up in the opening day rules package of the House. Unfortunately, the Rules Committee has been thrown completely out the window when it comes to this.

And last week, when we debated this, we had a total of 5 minutes to debate the opening day rules package and five closed rules, without bills being introduced, without committee hearings, without the process whatsoever and without even giving us, the struggling minority, upstairs in the Rules Committee the opportunity to have our amendments denied. We didn't even have the chance to have our amendments denied upstairs in the Rules Committee.

All I am saying, listen, I am loving my role here in the minority, Madam Speaker. It is really a great opportunity to be able to represent the people of California here. But I will tell you, Democrats and Republicans alike all across this country have been treated very poorly in an unprecedented way.

Now, I believe that many of the Commission's recommendations were right. That is why we implemented so many of them. But this resolution that we have before us is wrong when it comes to this opportunity that we unfortunately are allowing to slip through our fingers. We are not being given the chance to put into place the very, very important jurisdictional reforms that are needed to deal with this issue.

Madam Speaker, I reserve the balance of my time.

□ 1645

Mr. HASTINGS of Florida. Madam Speaker, I would remind my good friend from San Dimas that you had 2½ years to introduce these measures, and you did nothing.

The Members of the 9/11 Commission support this change. I saw one of them this morning, Lee Hamilton; and all of them are on board with the change that they recommended.

But perhaps since we have had so much rhetoric, and we need some guidance for results, we can ask the author of the legislation if he would give us information on this measure.

Madam Speaker, I yield 6 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished chairman of the Appropriations Committee.

Mr. OBEY. I very much thank the gentleman for the time.

Madam Speaker, I observed that the minority is complaining about the fact that this approach has not been sufficiently bipartisan. As I recall, during the 10 years that the Democrats were in the minority, or more, I asked the Rules Committee almost 100 times to make specific proposals in order. The last time I checked, the record demonstrated that they had made them in order exactly two times.

Mr. DREIER. Would the gentleman yield on that point? At least it was not when I was upstairs in the Rules Committee.

Mr. OBEY. I didn't hear what you said, but I don't have the time to yield anyway, I am sorry.

The fact is that the 9/11 Commission recognized two problems that in their words rendered congressional oversight of intelligence "dysfunctional". The first was that the intelligence authorizing committee was routinely ignored by the administration and the intelligence community because they didn't provide the money. In this town, people follow the money.

Secondly, the Appropriations Committee, frankly, was negligent in its responsibilities for oversight. Example: When Secretary of Defense Rumsfeld established an independent intelligence operation outside of the purview of his own agency's intelligence shop, I tried to find out what was going on. I requested that the Appropriations Committee do a thorough Surveys And Investigations study of what was going on. My efforts were blocked by that same committee.

The third problem we faced is that there was grossly insufficient staff on the part of the Appropriations Committee to have decent congressional oversight. Example: The Democratic minority had exactly one staffer to deal not only with all intelligence issues but also with the entire defense budget. How much do you think you can get done with one person?

The other problem was that there was not sufficient emphasis on intelligence matters by the Defense Appropriations Subcommittee because they had a lot of other things to do dealing with "little" problems like the Army, the Navy, and the Air Force.

So the 9/11 Commission suggested one way to correct that problem. They suggested that we merge the authorizers with the appropriators, and that the authorizing committee, in fact, do the appropriating.

We concluded that there was a better way to accomplish the same goal. We felt that the problem with the initial

recommendation was that it doesn't make much sense to consider intelligence funding requests standing alone, because in the real world those requests have to compete with other national security imperatives, again, funding the Army, the Air Force, and the other agencies.

Instead, we chose to follow a different model, that of the Joint Committee on Taxation. That committee conducts an annual review of the strategic plans and the budget of the IRS.

This bill follows, with some variation, that pattern. It creates a hybrid committee composed of members from the Intelligence Committee and the Appropriations Committee. They are all appointed by the Speaker because, in technical terms, whenever task forces are created around here, it is the Speaker who does the appointing. Speaker PELOSI has already made crystal clear that she intends to appoint whatever Republicans are suggested by the minority leader.

But there was another reason that the Speaker is listed as appointing all of these people, because we want to make clear to the intelligence community that if they try to ignore what this task force is trying to do, that they are not just messing around with individual Members of Congress; they are messing around with the leader of an independent branch of government who has the authority to inflict consequences if they don't provide information the Congress is entitled to have.

This task force will be given the obligation to prepare an annual assessment of all intelligence activities and to make budget recommendations, which will serve as the basis for the preparation of the intelligence budget, the classified annex to the defense appropriation bill.

The reason the subcommittee needs to have at least the ability in theory to change some of those recommendations is because it has a job which that panel doesn't have. It has the job of measuring the needs of intelligence against other national security needs, and it needs to have that flexibility.

But this bill would also lead to a beefed-up staff for this task force, and that task force will be buttressed by the subpoena power of the Appropriations Committee.

That means that at long last we will have at least one panel which the intelligence community cannot ignore. We will have one panel which even the Republican members of the commission, like John Lehman, have indicated is a great step forward. I would just suggest that if the gentleman had preferred a different approach, it would have been nice if he had produced one in the 2½ years he had the chance.

I urge support for this proposal.

Mr. DREIER. Madam Speaker, at this time I yield 3 minutes to the distinguished ranking member, our former chairman and future chairman of the Committee on Appropriations,

my friend from Highland, California (Mr. LEWIS).

Mr. LEWIS of California. Madam Speaker, it is a pleasure to be with you. On this occasion, we are addressing one more time a recommendation of the 9/11 Commission. I must say that while it is very important that we get the House to seriously review those matters and see what next steps we should be taking, I feel pretty strongly that it is important that the two sides of the aisle work very closely together regarding this. This resolution would create a new panel of the Appropriations Committee that would, in part, duplicate work already performed by the Intelligence Committee.

Unfortunately, this substantive change in committee jurisdiction is being proposed without benefit of the kind of bipartisan input that I personally appreciate and think causes the place to work an awful lot better. The present structure in intelligence oversight was developed following the recommendations of the Pike and Church committees in the 1970s. It took years to develop and execute a quality congressional restructure for intelligence oversight.

Something of this importance and sensitivity requires more than just an hour's consideration on the floor. It deserves a thorough review by the committees of the House and all of us who are concerned, from various jurisdictions, about these matters.

I recognize that this is an oversight bill; and with tongue in cheek, I congratulate the new majority for that kind of oversight, drafting legislation without any input from the Republicans of the House.

While I am grateful to Mr. OBEY for his efforts to reach out to me personally, I am deeply concerned that no substantive consultation occurred between the majority and the minority, particularly at a leadership level.

Further, I am very concerned that we not jettison the oversight regime that is in place without knowing for certain that we are going to replace it with something that goes beyond just simply getting in the way of the oversight process. I am afraid that what we are doing here is talking about oversight. Instead, on the other hand, we are defusing effective oversight.

It is important that we recognize that one more time we are putting out press releases and producing very little in terms of substantive results.

Madam Speaker, as I said, it is a delight to be with you, and I appreciate the time.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 1½ minutes to the distinguished gentleman from Virginia (Mr. MORAN), a member of the Appropriations Committee.

Mr. MORAN of Virginia. I thank the gentleman from Florida.

Madam Speaker, the Select Intelligence Oversight Panel will bridge the current divide between the oversight

and the funding of our Nation's intelligence community, and it will make a significant long-term contribution to the safety of the American people.

The robust and lawful collection, analysis, and integration of intelligence on our enemy's activities is one of the most powerful tools in the battle against terrorism. But over the last several years, this Congress has been reluctant to ensure that this powerful tool is, in fact, used to its fullest capability.

It is time for Congress to fulfill its oversight responsibility by undertaking hard-nosed assessments of the intelligence community's operations. This oversight panel will be in the position to make these tough and needed assessments, and based on these conclusions, to make recommendations that will enable the intelligence community to deliver the highest level of performance. For example, our human intelligence assets must be able to infiltrate developing global terrorist networks. The exodus of long-serving professional agents from the intelligence community must be reversed, and a new generation of analysts must be recruited.

The Inspector General within the Directorate of National Intelligence must be empowered to identify waste, fraud, and abuse whenever it occurs throughout the intelligence community.

Madam Speaker, Speaker PELOSI's proposed panel will, in fact, improve the operations of the Nation's intelligence community and, in so doing, will advance the security of the American people. That is why this proposal should be passed overwhelmingly by the Congress.

Mr. DREIER. Madam Speaker, at this time I yield 2 minutes to the very distinguished and hardworking former chairman of the committee from Holland, Michigan (Mr. HOEKSTRA).

Every single argument that I heard from Mr. OBEY, Madam Speaker, was, in fact, in support of the argument from the House Select Committee on Intelligence.

Mr. HOEKSTRA. Madam Speaker, the conduct of oversight of our Nation's intelligence community is one of the most sensitive and complex duties that we have as a Congress. Our committee and other committees took a very close look at recommendations from the 9/11 Commission. We implemented many of them. Some of them we did not implement.

We recognized the need to coordinate the strategies of the authorizing committee and the Appropriations Committee. We recognized the need for additional oversight. As a matter of fact, in the last Congress we created subcommittees specifically focused on oversight and increased the number of committee staff that were dedicated to the work of oversight.

We also recognized the importance of coordinating between authorizers and appropriators. In the last Congress, the appropriations bill closely mirrored

the authorization bill that this House passed. We worked hand-in-glove because we recognized the importance of putting that together and recognized the importance of what the 9/11 Commission recommended.

This resolution today goes in exactly the wrong direction. The objective of the 9/11 Commission that was identified was to give the authorizing committee greater, if not sole, influence and control over appropriations, authorizations, and oversight.

This resolution creates an additional committee between the authorizers and the appropriators that will add confusion. One of the things that we hear so often from the homeland security folks, from the intelligence folks, is we report to all of these different committees on the Hill, and there is a lack of clarity. It is exactly what is going to happen now. We are adding more confusion to the process, rather than adding and keeping clarity in this process.

If you go back to when the committee was first established under the Church committee, there was one issue that was very important: there had to be clarity as to what committee was going to conduct oversight.

□ 1700

Mr. HASTINGS of Florida. Madam Speaker, would you be so kind as to tell each side how much time remains.

The SPEAKER pro tempore. The gentleman from Florida has 17 minutes; the gentleman from California has 16 minutes.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased at this time to yield 4 minutes to the distinguished gentleman from Texas, the chairman of the Select Committee on Intelligence, my good friend SILVESTRE REYES.

Mr. REYES. Madam Speaker, I thank the gentleman for yielding.

A few weeks ago I had a conversation with my good friend and colleague, the former chairman, who is now our ranking member. At the time, he was supportive of this panel. I recognize we all have the right to change our minds, but part of this process is starting to build a bridge that gives us an opportunity on the authorizing side to be able to do a better job for this country.

Madam Speaker, today I rise in strong support of H. Res. 35, which would implement a core recommendation of the 9/11 Commission.

Madam Speaker, 2½ years ago, the bipartisan 9/11 Commission, five Democrats and five Republicans, unanimously made 45 recommendations to prevent another attack on United States soil. Tragically, the President and previous Congress earned dismal grades for failing to enact these recommendations. One of these recommendations, indeed the one the commission called the most difficult and the most important, was to reform the way Congress oversees the intelligence activities of the United States.

Intelligence is the tip of the spear in the war against violent extremists and

in the efforts to counter weapons of mass destruction. Yet despite the importance of this mission, congressional oversight of intelligence has largely been dysfunctional.

Most significantly, the committee responsible for overseeing the intelligence community, the House Intelligence Committee, has had little role in deciding how the Nation's intelligence budget is spent. H. Res. 35 is a critical starting point for fixing our broken oversight system. Today, we are creating a special panel within the Appropriations Committee to recommend funding levels for intelligence activities. This panel will be comprised of appropriators and authorizers, both Democrats and Republicans, with its own dedicated staff to review intelligence community activities.

As the chairman of the authorizing committee, the House Intelligence Committee, I welcome this change because it gives authorizers, those of us who review the intelligence programs and set overall funding levels, a real seat at the table in deciding how the money is being spent. In the past, our committee has had no real voice in the appropriations process. Today, with the passage of H. Res. 35, those who control the policy and those who control the purse will become unified.

Oversight promotes greater accountability; and accountability results in better intelligence, greater diversity among intelligence officers to penetrate the hardest targets, more sophisticated analysts, and a deeper understanding of the longer term threats that are facing this country. One need only look at the situation in Iraq to understand the perils of faulty intelligence. The best way for Congress to ensure that those days are over is to enact a meaningful reform of the way we oversee the intelligence budget.

Madam Speaker, the threats facing our country are real. We have some of the best and brightest on the front lines, often undercover and frequently under fire, trying to gather the intelligence to keep America safe. We owe it to them and to their families to provide the strongest intelligence community that we can support and we can field. H. Res. 35 is an important start to achieving that goal, so today I proudly urge all my colleagues to support the resolution.

Mr. DREIER. Madam Speaker, I am very proud at this time to yield 3 minutes to a hardworking member of the Committee on Intelligence, the gentlewoman from Albuquerque, New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Madam Speaker, I have some sympathy with those on the Democrat side of the aisle tonight because you made a promise. You said you were going to implement the 9/11 Commission recommendations, and now you have to at least appear to make good on that promise even if it doesn't make any sense. So you have come up with a way to do so that really doesn't implement or address the real

concerns of the 9/11 Commission, but is actually going to make things a whole lot worse around here in terms of intelligence oversight.

The 9/11 Commission recommended streamlining and combining oversight functions and budgeting functions and giving a single committee the power of the purse and the power to oversee our intelligence community.

Now, the 9/11 Commission, in my view, had some good ideas and we implemented them, particularly in the Intelligence Reform and Terrorism Protection Act of 2005, which was the most comprehensive reorganization of the intelligence community since the creation of the CIA in 1948.

But they also came up with some ideas, as commissions do, that weren't such great ideas. They recommended putting the Director of National Intelligence inside the political ring of the White House. I think that is a terrible idea for independence of intelligence and keeping intelligence from being influenced by political considerations. They recommended that we reveal the size of the intelligence budget, which has always been secret. Both of those were bad ideas.

I think there is also a danger in eliminating the checks and balances that are inherent in the fact that we separate appropriations from authorizing, particularly in a realm where almost everything is done in secret. The existence of those checks and balances within this institution is actually healthy with respect to oversight of the intelligence community.

But they came up with a solution in this resolution that doesn't even do what the 9/11 Commission decided was the real problem. We have two boxes on the chart overseeing the intelligence community, so the resolution creates three. How does that streamline anything? And by adding these, when we add these boxes to the organization chart, we don't even in this resolution clarify who is responsible for what. So if you are interested in a particular program, its challenges, its prospects, its importance, who do I go to? The chairman of the intel community? The chairman of defense approps? The chairman of this new community that doesn't seem to have much authority at all?

We have now divided it and made it even more confusing and messed up than the 9/11 Commission said it was in the first place. At least my colleague from Wisconsin was honest enough to admit this isn't what the 9/11 Commission recommended. In fact, they are probably rolling their eyes as we speak.

We have tied the intelligence oversight in knots with this proposal; and I would urge my colleagues if they can't stomach rejecting it now, at least fix it later when nobody else is looking.

GENERAL LEAVE

Mr. HASTINGS of Florida. Madam Speaker, before yielding to the next speaker, I would like to ask unanimous consent that all Members be given 5

legislative days within which to revise and extend their remarks on H. Res. 35.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Madam Speaker, before yielding again, I would just remind my colleagues my good friend from New Mexico says that we shouldn't merge this committee. My good friend from San Dimas, California, says that we should merge this committee, which kind of demonstrates that the Republicans are capable of falling off the same horse from both sides, all things considered.

Mr. DREIER. I never said that.

Mr. HASTINGS of Florida. Madam Speaker, I yield 2½ minutes to the distinguished gentleman from New Jersey, a member of the Committee on Intelligence, my good friend, RUSH HOLT.

Mr. HOLT. Madam Speaker, I thank the gentleman.

I am pleased we are considering this bill today because it moves us closer to dealing with an issue identified by the 9/11 Commission as a problem. Not that we needed the commission to tell us this; we know it is a problem. I think we would all agree that congressional oversight of intelligence programs should be improved. This bill would do that by creating a standing body in which both the authorizing committee and the relevant Appropriations Committee come together to examine the requests and performance of the intelligence community's many agencies. This has never been done before, and I certainly believe it is a significant step in the right direction.

The panel is charged to look at whether the current programs that we support make sense in the world we live in today, how they perform, how they spend money, and whether they make us safer. The 9/11 Commission stated on page 420 that any congressional reform in this area should produce an entity that allows "a relatively small group of Members of Congress, given time and reason to master the subject and the agencies, to conduct oversight of the intelligence establishment and be clearly accountable for their work." This bill does that.

The gentlewoman from New Mexico said the 9/11 commissioners surely don't approve. Well, Commissioner Roemer, a former member of this body who understands how things work here, said yesterday: "They," meaning these recommendations, "do one of the most important things for congressional reform, that is, strengthen the oversight process." He goes on to say: "Empowering both committees will significantly improve our oversight." He strongly endorses this, as do the other members of the 9/11 Commission.

Money spent in inappropriate collection systems, questionable covert activities, or dubious intelligence community reorganization schemes is money wasted; and it shortchanges our ability to protect our troops and our people here at home.

Those who will serve on this panel truly will have their work cut out for them. Many intelligence programs have not received the type of scrutiny that they should have, and the success of this new panel is not guaranteed. But I can assure you, Madam Speaker and my colleagues, that we need for this committee, this panel to succeed. I applaud the leadership of the House for moving this bill, and I look forward to voting for it and urge my colleagues to do the same.

Mr. DREIER. Madam Speaker, I yield myself 10 seconds to say in response to my good friends, Mr. HASTINGS and Mr. REYES, that I never in my prepared remarks at the outset said that I was supportive of this notion of merging the authorizing and the appropriating process. I simply said that that was the recommendation of the 9/11 Commission, and I stated that I was concerned about that prospect.

Madam Speaker, I yield 3 minutes to my good friend from Savannah, Georgia, a hardworking member of the Appropriations Committee, Mr. KINGSTON.

Mr. KINGSTON. Madam Speaker, I wanted to raise one premise that no one has talked about, and that is this blind belief in everything the 9/11 committee says, and apparently individual Members as well.

The 9/11 Commission was a bipartisan group of good people, some who served in the House. They are intelligent people who have been involved in public policy, but I am not aware that they were top-notch CIA or FBI or intelligence community members. I don't know of them having risen up through the ranks of the intelligence circles or the antiterrorism circles that makes them absolutely experts on everything on what is now a 2½-year-old report.

I wanted to bring that up because I think it is important when you consider that when the 9/11 Commission came out, this Congress on a bipartisan basis implemented 39 out of the 41 recommendations. We did not implement all the recommendations, but we had hearings on them and they were bipartisan and there was a lot of discussion, unlike what we have here today. What we have here today is a recommendation, a recommendation not made by the 9/11 Commission but, from what I am hearing, one Member wandering around the Hall said, Yeah, this is a good idea. Now, that is hardly the way to make a major step in the way we approach intelligence in the House. It doesn't make sense at all.

This bill today has not had a hearing. The Rules Committee did not hear of any amendments that could or would be offered or debated. I think, frankly, the thing that is ironic, and I have got to say as I see over there many of my very good friends, many institutionalists, people who have great respect for the institution, you know that on intelligence we have generally been bipartisan here in the Capitol. Certainly there are times when intelligence like everything else devolves into partisanship, but generally speaking we have



conducted this body in the wake of 9/11 itself in a bipartisan manner, and yet today we don't have that. We do not have those amendments which people could come together on.

So I just wanted to raise that because, as I sit as an Appropriations Committee member on the Defense Subcommittee, and I sit there and I listen to so many people like Mr. OBEY, Mr. MURTHA, Mr. LEWIS, and Mr. YOUNG, the folks I would consider the sage folks in the back room who at the end of the day do the pragmatic thing and put the best interests of the Nation forward, in this particular case that has not been allowed to happen. So I find myself a little perplexed by this because it has not been thoroughly vetted, and I am going to vote "no" on it because of the process itself.

Now, there are a lot of other issues that are important, and it is important to me that the ranking member of the Appropriations Committee, the ranking member of the Armed Services Committee, the Homeland Security, of the Rules Committee, of the Intelligence Committee, and the Foreign Affairs Committee, and the Judiciary Committee are all resoundingly against this.

Madam Speaker, I have in my hand a "Dear Colleague" letter which I have read and reviewed, and I submit for inclusion into the RECORD that has been written by them, and I think the points that they have raised are very, very important.

110TH CONGRESS  
OF THE UNITED STATES,  
Washington, DC, January 9, 2007.

DEAR REPUBLICAN COLLEAGUE: Today the House is scheduled to consider House Resolution 35, a resolution purporting to enhance intelligence oversight authority. We are writing to you to outline our strong concerns with the current version of the resolution and to ask you to join us in opposing this resolution.

As a response to the 9/11 Commission recommendation to streamline intelligence oversight, Speaker Pelosi proposed the select panel on Intelligence oversight within the Appropriations Committee to consolidate intelligence oversight. Unfortunately, we believe this proposal is wholly inconsistent with any notion of a more streamlined and rigorous intelligence oversight process. In fact, we believe the proposal will make oversight more complex and less effective.

The 9/11 Commission recommended creating a single committee with both authorizing and appropriating authority. The House of Representatives did not agree with this recommendation, and instead worked to ensure proper oversight by creating a new oversight subcommittee within the House Permanent Select Committee on Intelligence and by improving coordination and cooperation between the authorization committees and the House Appropriation Committee. The new proposal undermines these efforts by adding a duplicative and seemingly powerless panel to the process. Instead of consolidating our oversight responsibilities, we will be diffusing them, making three entities within the House for oversight of the intelligence community instead of the current two.

It is also apparent that the oversight parameters and responsibilities are not clearly defined. If this panel is supposed to be con-

ducting oversight, it is unclear whether the panel will get into intelligence operations. We have worked hard to limit the unauthorized dissemination of highly classified and sensitive programs, and we are concerned about the practical implementation of the panel.

Finally, if the proposed oversight panel is charged with reviewing and studying the entire intelligence community, why are the Armed Services, Foreign Affairs, Homeland Security, and Judiciary Committees not represented on the panel? The 9/11 Commission specifically recommended members from the Armed Services, Foreign Affairs, and Judiciary Committees also serve on the joint authorization appropriations committee. The purpose of the recommendation is to ensure adequate input and review by the appropriate authorization committees. If the purpose of the panel is too afford more aggressive oversight, why were these equities and jurisdictions overlooked?

If this proposal had gone through the normal committee process, which House Rules Ranking Member Dreier requested, we would have had an opportunity to address these serious concerns through regular order.

Given these serious concerns, we do not agree this would be a responsible revision of the current intelligence oversight structure. We respectfully request you join us in voting "no" on H. Res. 35.

Sincerely,

Rep. Jerry Lewis, Ranking Member, Appropriations Committee; Rep. Duncan Hunter, Ranking Member, Armed Services Committee; Rep. Peter King, Ranking Member, Homeland Security Committee; Rep. David Dreier, Ranking Member, Rules Committee; Rep. Peter Hoekstra, Ranking Member, Intelligence Committee; Rep. Ileana Ros-Lehtinen, Ranking Member, Foreign Affairs Committee; Rep. Lamar Smith, Ranking Member, Judiciary Committee.

□ 1715

But I have to say, this is just not the right step in terms of addressing the national security needs of our Nation.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself 10 seconds before yielding to the distinguished gentlewoman from New York.

My colleague, the ranking member, just said he did not say he supported combining these functions, and yet here is his signature on his legislation that does just that. That is what I was talking about when I said that is disingenuous.

Madam Speaker, at this time I yield 1½ minutes to the gentlewoman from New York (Mrs. MALONEY), my friend and classmate.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding.

The 9/11 Commission report identified the failure in the intelligence system of this country as a major cause of 9/11. They called for many reforms, some of which we have implemented. And as co-chair of the 9/11 Commission Caucus, I am extremely pleased today with the formation of this new Select Intelligence Oversight panel, which mirrors the recommendation of the 9/11 Commission. It is supported by many of the members of the 9/11 Commission. It is supported by the 9/11 families that have

tracked the provisions to make this country safer probably closer and harder than Members of this Congress, and they are in the gallery today. And this new oversight panel will strengthen the oversight process by combining the perspectives and expertise of both the Appropriations and Intelligence Committees and the insights of the authorizers likewise. And this new panel, we can be assured that these experts from both of these areas will be included in the oversight and funding decisions for our intelligence community.

I congratulate the leadership of this Congress, the new Democratic leadership, Speaker PELOSI and Chairman OBEY, for including in the first 100 hours this major reform, that they have repeatedly said in all of their hearings and they continue to speak out on it, they gave this Congress an "F" in intelligence oversight. Today we are getting an "A" by creating a committee with experts to oversee it. And with a focus on the security and the intelligence, it will make this country safer. I applaud our leadership, the new Democratic leadership.

Mr. DREIER. Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased at this time to yield 2 minutes to my classmate and very good friend, a member of the Select Committee on Intelligence that I have served with, my good friend from California (Ms. ESHOO).

Ms. ESHOO. Madam Speaker, I thank my distinguished colleague. And, Madam Speaker, it is wonderful to see you in the chair.

I rise in support of H. Res. 35. And I believe that for all of us on both sides of the aisle that this is a moment of high responsibility.

If there is anything that we became painfully aware of, it was that we did not have a seamless operation, intelligence operation, to help protect our country. So what we are debating and discussing here are not a handful of sentences. What we are doing is we are blending, for a very important reason, the power of the purse and the power of the policy. They can no longer stand as independent smokestacks, number one.

Number two, I ask all of my colleagues of the House, could the abuse and corruption that was done unto the budget survive the scrutiny of what we are proposing here, where a member of the Intelligence Committee committed those crimes?

So this is a moment of really high responsibility. I welcome ideas from both sides of the aisle. They are always important. But I think the overriding principles here are really what have been stated by so many, including the comments that I am making. As a member of the House Intelligence Committee, I welcome, I welcome more oversight. The problem with intelligence relative to the Congress is there has been undersight or no sight, and that is dangerous for our country.

So I support these reforms. I think that they are very important. It is a

moment of high responsibility for the Congress, and I salute the Speaker as well as the chairman of the committees of jurisdiction for bringing this much-needed legislation before the House, and I urge all of my colleagues to support it.

Mr. DREIER. Madam Speaker, at this time, I am happy to yield 2 minutes to our very hardworking colleague from Wilmington, Delaware (Mr. CASTLE).

Mr. CASTLE. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise in opposition to H. Res. 35, a resolution to create a Select Intelligence Oversight Panel to advise the House Appropriations Committee.

As a former member of the House Select Committee on Intelligence, I strongly believe that we must enact all of the 9/11 Commission's intelligence recommendations, even those that apply to our own congressional committees.

In its final report, outlining steps Congress should take to combat the problems which plagued our Nation in the lead up to September 11, the 9/11 Commission stated that "Congress should pass a separate appropriations act for intelligence, defending the broad allocation of how these tens of billions of dollars have been assigned among the varieties of intelligence work."

In the wake of the terrorist attacks of 2001, Congress acted quickly to enact a large majority of the commission's recommendations. Today the House will likely pass some of the remaining recommendations, impacting various agencies and levels of government. However, as it turns out, it has been those recommendations that apply directly to the tangled rules of procedure here in the United States Congress, which have been left unfinished.

Specifically, I am disappointed that the resolution before us today fails to implement the 9/11 Commission's very specific recommendation that Congress enact a separate appropriations bill for our intelligence community. Currently, intelligence funding is concealed in the classified section of the Pentagon's budget and thus is subject to very little accountability. As currently drafted, I have serious concerns that the proposed Intelligence Oversight Panel will have very little control over the actual funding decisions and will only succeed in confusing the process and adding to its complex bureaucracy.

As a former member of the House Intelligence Committee, I believe strongly in the 9/11 Commission's recommendations. For that reason, I will introduce legislation immediately to create an empowered and independent intelligence appropriations subcommittee to oversee the intelligence community funding and to keep our Nation safe from those seeking to destroy our way of life.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 1½

minutes to the distinguished gentleman from Maryland (Mr. RUPPERSBERGER), with whom I have served on the Select Committee on Intelligence as well.

Mr. RUPPERSBERGER. Madam Speaker, I rise in strong support of H. Res. 35.

The 9/11 Commission recommended that we change the way Congress oversees the intelligence activities. I am very familiar with those activities as a member of the Committee on Intelligence and also representing constituents who work for the National Security Agency. NSA is in my district.

At a time when we have reformed our intelligence agencies and required them to communicate and cooperate and unified their management through the new Director of National Intelligence, it is only right that we unify our oversight of the intelligence community.

H. Res. 35 does just that. It will allow us to make more informed and more effective funding decisions. It will enhance the ongoing work of the Intelligence and Appropriations Committees.

Our job on national security should be to do what is best to put the safety and the security of our Nation first, above all. We can't get bogged down with our own individual complaints about jurisdiction and power. We have to do what is best for America.

I will be proud to vote for H. Res. 35.

Mr. DREIER. Madam Speaker, at this time I am very happy to yield 2 minutes to my good friend from Peoria, Illinois (Mr. LAHOOD).

Mr. LAHOOD. Madam Speaker, I thank Mr. DREIER for yielding to me.

I find it a little puzzling that the author of this legislation has continued to refer to it during his remarks as a "task force." I see no language in the legislation that was authored by the distinguished chairman of the Appropriations Committee that calls for a task force.

I think it is also puzzling, too, that that term has been entered into the RECORD, which can be found nowhere in the legislation. I also think it is peculiar that the gentleman from Florida, who has served with me now for 8 years on the Intelligence Committee, would be willing to create more bureaucracy.

The gentleman knows full well we need no more bureaucracy to bog down the intelligence community. We have sat there time after time and listened to people from the intelligence community come to our committee. We need no more bureaucracy.

And you know as well as I do, it takes 4 to 5 years for people on the committee to understand the terms and the agencies. And now you are going to create another level that has to educate all of these people to get up to speed? Come on, Mr. HASTINGS. You know better. And to have this committee or task force, I don't know which, appointed by only the Speaker of the House is unprecedented. It

means that our leader has no say in who is appointed to this task force or committee. Unprecedented. You would never stand for that. Mr. OBEY and Mr. HASTINGS, you would be up here screaming bloody murder if we tried to pull that stunt on you.

This is not fair. It is not right. Our side should have our say. This is an insult to the gentleman sitting on that side of the Chamber, Mr. MURTHA, and the gentleman sitting on that side of the Chamber, Mr. YOUNG, who have overseen as representatives as the once chairman and now chairman of the Defense Appropriations Subcommittee. You don't have faith in them? You don't think they can look over the intelligence budget? I do not know about you, Mr. MURTHA, but I suspect you have some doubts. I know Mr. YOUNG does. This is an insult to both of you and to the Appropriations Committee and to the Defense Subcommittee. Do these gentlemen need oversight? No, they don't.

Vote against this lousy bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. ZOE LOFGREN of California). The Chair would ask Members to address their remarks to the Chair.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 2 minutes to the distinguished chairman of the Appropriations Committee.

Mr. OBEY. Madam Speaker, if the gentleman from Illinois, my good friend, wants to hyperventilate over the fact that I simply verbally referred to this as a "task force" rather than a "panel," be my guest. I guess his threshold of excitement has been considerably lowered these days.

Let me simply say, the gentleman says this is an insult to Mr. MURTHA and to Mr. YOUNG. No, it is not. He asked, does the Defense Appropriations Committee need oversight? It certainly did the last year, and let me tell you why.

When Mr. Rumsfeld set up his separate stovepiping operation for intelligence, I went to Mr. MURTHA, asked him to sign a letter instituting a surveys and investigations study because, under our rules, under our practices, we needed the support of the full chairman, the full ranking member and the subcommittee chairman and the subcommittee ranking member. I went to Mr. MURTHA. He signed on to the letter calling for the investigation. I went to Mr. YOUNG. He signed on to the letter calling for the investigation. But I was blocked by the full committee chairman.

So if you are asking me, does the Appropriations Committee, based on its record of the last 2 years, need some additional oversight on this issue? You bet it does, because as a result of that refusal to proceed, we never did learn what Rumsfeld was doing until we read it in the press. That is not the way it is supposed to work.

This is the first time that we have created any kind of a panel that will

force the Appropriations Committee and the authorizing committee to work together like adults rather than worrying about dunghill jurisdictional issues. And the security of this country is a whole lot more important than the feelings of any one committee.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume.

Let me at the outset say to my good friend from Fort Lauderdale (Mr. HASTINGS), one of my staff members encouraged me to have his words taken down when he accused me just a few minutes ago of being disingenuous when it came to the introduction of House Resolution 38. That resolution, as the gentleman knows from the parliamentary inquiry that I engaged in, was designed to simply point to the flaws and the way this measure was crafted. Now, that resolution in no way called for the merging of the authorizing and the appropriating process. I simply said at that point that that was a recommendation of the 9/11 Commission.

I would be happy to yield to my friend if he can, in fact, point to me where in the resolution I introduced, House Resolution 38, it states that there should be a merging of both the authorizing and the appropriating process. And I am very happy to yield to my good friend from Fort Lauderdale.

Mr. HASTINGS of Florida. Do you support the legislation that you filed?

Mr. DREIER. I introduced the H. Resolution 38, and I support it much more so than I do the resolution that we have here. The reason being that I believe very much that there should, in fact, be consultation in a bipartisan way rather than having unilateral decisions made by the Speaker of the House over the minority in this Chamber, as Mr. LAHOOD said so well, an unprecedented action that has been taken. And my point is, there is nothing in the resolution that I introduced that does what led the gentleman to call me disingenuous. I, in the spirit of comity as set forth by Speaker PELOSI in her opening remarks, am not going to have the words of my friend taken down. I do not engage in name calling on the floor of this House, and even if people want to continue that towards me, I refuse to respond.

Madam Speaker, let me close by making a couple of remarks about what it is that is before us here. About 6 months ago in July, my very distinguished colleague, the new chairman of the Homeland Security Subcommittee of Appropriations, and he also will be serving as the chairman of the very important House Democracy Assistance Commission, and I am looking forward to serving now as the co-chairman, the ranking Republican on that committee; last July we went on our mission to help build democracies, build the parliaments in these fledgling democracies around the world. And I am very proud, Madam Speaker, that we have been able to do this in 12 coun-

tries. Last July, we were in Nairobi, Kenya, meeting with members of the parliament. When we were there, we had an opportunity to go and visit the site of one of the greatest tragedies to take place in our Nation's history, and that was before September 11, 2001. In 1998, our colleagues will recall that the embassies of both Nairobi, Kenya, and Dar es Salaam, Tanzania, were brutally attacked by al Qaeda. We all know that that happened, and we know there was a response at that time. We finally got the news last night that we have been able to see, with regional support, support of the Ethiopians, support of the Kenyans, who very courageously have stepped up to the plate; we launched an air strike in southern Somalia against al Qaeda that was successful, successful in making sure that we make another blow against those who inflicted the worst attack in modern history against the United States of America.

Madam Speaker, I argue that that kind of success was not an accident. That kind of success in launching that strike against those who attacked the United States of America, both here on our soil and on our embassies in Dar es Salaam and Nairobi, was done because of our effective leadership in the United States of America in prosecuting this Global War on Terror.

□ 1730

Now, I believe that as we look at what it is that we are doing here, it is very admirable. We know, as Mrs. WILSON said earlier, a promise was made to implement all of the recommendations of the 9/11 Commission. We are very proud of the fact that 39 of the 41 recommendations that were made by that commission have been put into place.

What we have before us is something that is very ill founded, and it is an attempt to respond to that promise.

But one of the things that I have learned, Madam Speaker, when you do something simply for the sake of doing something, it is probably the wrong thing. Madam Speaker, I do believe very fervently this is the wrong thing.

Now, I have here a copy of the rules of the House, and as I look through the structure that put into place the committee on which Mr. LAHOOD has served so proudly, the Intelligence Committee, it calls for membership from the Committee on Appropriations, the Committee on Armed Services, the Committee on International Relations, the Committee on the Judiciary, and it makes the Speaker and the minority leader ex-officio members. And it in fact does call for the Speaker to make the appointments. It traditionally is done in with consultation with Members of the minority.

Madam Speaker, it is important to note that is what the Permanent Select Committee on Intelligence is all about. We have virtually the identical structure being put into place for little more than a feel-good measure. That is really what it is. It is to be able to say, yes, we have this committee.

I am going to say, as I did when I opened this debate, Madam Speaker, Mr. OBEY and I worked on that joint committee on the organization of Congress back in 1993. We had 37 hearings, and 243 witnesses during that 2-year period came before us. Those numbers have stuck with me because that was a great opportunity I had to serve, along with our colleague, Lee Hamilton, interestingly enough, who was the co-chair of the commission on the House side, and PETE DOMENICI and David Boren, the father of our colleague, DAN BOREN, co-chaired the committee on the other side.

We looked at a wide range of changes, many of which I am proud to say we implemented. We talked about the issue of jurisdiction, but we didn't come up with firm recommendations. But when we took over, before a single Republican Member got their hands on the gavel, we saw them put into place recommendations.

Madam Speaker, I urge a "no" vote on this resolution, and I urge a vote for my motion to recommit that I will be offering forthwith.

Madam Speaker, I yield back the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself the balance of my time.

I would first like to respond to my good friend and say to him that I am awfully glad you did not accept the recommendation of your staff member that my words be taken down with reference to the comments that you made. Let me repeat for you what I said. I said and I quote, "Mr. Dreier just said he did not say that he supported combining these functions. And yet here is his signature on his legislation that does just that."

The SPEAKER pro tempore. The gentleman from Florida has the time.

Mr. DREIER. Parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. Does the gentleman from Florida yield for a parliamentary inquiry?

Mr. HASTINGS of Florida. No.

The SPEAKER pro tempore. The gentleman from Florida has the time.

Mr. HASTINGS of Florida. Let me read from Mr. DREIER's House Resolution 30. You said there is established a select intelligence oversight panel of the Committee on Appropriations. The select panel shall be composed of not more than 14 Members, delegates or the resident commissioner appointed by the Speaker. The select panel shall include the chairman and ranking member of the Committee on Appropriations, the chairman and ranking member of the Committee on Defense, six additional members of the Committee on Appropriations, and four members on the Permanent Select Committee on Intelligence.

That is the exact same thing Mr. OBEY is doing with the exception of the constitution of the number on the committee.

The SPEAKER pro tempore. The gentleman from Florida has the time.

Mr. HASTINGS of Florida. I would be more than pleased to yield to my friend because I don't like the characterization that you put forward that I am being disingenuous by saying that you are disingenuous and that you were going to take my words down.

I need time to respond to Mr. LAHOOD as well. He commented on the nomenclature of the intelligence committee, and his comment was that I know better. And he knows that I know that the nomenclature is difficult because he and I were on that steep learning curve, he before me, and I had to learn as well.

But I can tell him that Mr. MURTHA and Mr. YOUNG know that nomenclature as well as you and I do, RAY, and you know that.

If I have time at the end, I will yield.

As I said before, this is a specific recommendation of the 9/11 Commission. I am proud that the House Democrats can again do more in 1 week than Republicans were able to do in the last 2½ years since the 9/11 Commission made their report. The gentleman that I have already referenced knows of what I speak.

With that, I yield to my friend.

Mr. DREIER. Madam Speaker, I appreciate my friend yielding. I will simply state once again that there is absolutely nothing in either Mr. OBEY's resolution or the resolution that I introduced that calls for the 9/11 Commission's recommendation of merging the authorization and the appropriations process. That is why it is very clear that it has not called for the merging.

Mr. HASTINGS of Florida. Madam Speaker, reclaiming my time, nobody said that, Mr. DREIER.

Mr. DREIER. If the gentleman would yield, that is what I was accused of having said. I never said anything of the kind.

Mr. HASTINGS of Florida. Reclaiming my time, as I said earlier to my friend, I enjoy our banter and I can suggest to him that being in the minority is going to be a very long 2 years for you.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H.R. 35, which establishes a Select Intelligence Oversight Panel of the Committee on Appropriations. Establishing a panel to oversee the expenditures of taxpayer monies on intelligence activities is imperative to ensure that our intelligence community functions at the highest level to keep the citizens of this country safe and secure. This is a welcome, beneficial, and long overdue reform. For far too long there has not been any means for this body to measure the effectiveness of the usage of funds appropriated to ensure that the intelligence community is equipped to detect, detract and deter the many potentially detrimental and disastrous threats to the citizens of this country.

Madam Speaker, one of the advantages of establishing a select intelligence oversight panel with the Committee on Appropriations is that it will enable the House to hold hearings and conduct oversight regarding the appropriation and expenditure of funds for intel-

ligence-related activities. The resulting openness in intelligence matters through this oversight panel enables this House to discharge its duty to the nation to ensure that our intelligence capabilities are the highest and best in the world and more than sufficient to prevent another 9/11. We cannot afford the costs of the tragic results of 9/11. In fact, the families of the victims of 9/11 as well as all of the citizens of this country still look to us for responsible action in the area of Intelligence.

The oversight panel will also serve the important role of removing barriers between the House Appropriations subcommittee that approves funds for intelligence and the intelligence committee that oversees operations. Of great importance, is the fact that the establishment of this panel will address a central commission finding that Congressional oversight of intelligence matters is dysfunctional and needs to be more centralized. This oversight panel will give Congress a much better chance to correct and avoid those major concerns which were highlighted by the 9/11 Commission. Those problems included: permeable borders; inconsistency in immigration policy; limited capacities to share intelligence information; permeable aviation security; an unprepared FAA and NORAD; ineffective communication and no clear chain of command; no unity for emergency responders; and Congress and Executive Branch that was too slow in responding to threats.

Madam Speaker, the creation of this select panel will allow the House to review intelligence spending requests, conduct hearings, make financing recommendations and assess how the money is spent. With this increased ability to monitor the budget as well as operations of the Intelligence community, we can better face and prepare for the security challenges confronting the United States and the international community as a whole.

I urge my colleagues to support this bill to establish a Select Intelligence Oversight Panel of the Committee on Appropriations.

Mr. HASTINGS of Florida. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to section 506 of House Resolution 6, the resolution is considered read and the previous question is ordered.

MOTION TO RECOMMIT OFFERED BY MR. DREIER

Mr. DREIER. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Dreier moves to recommit the resolution (H. Res. 35) to the Committee on Rules.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DREIER. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adopting H. Res. 35.

The vote was taken by electronic device, and there were—yeas 195, nays 232, not voting 8, as follows:

[Roll No. 12]

YEAS—195

Aderholt	Frelinghuysen	Nunes
Akin	Gallely	Paul
Alexander	Garrett (NJ)	Pearce
Bachmann	Gerlach	Pence
Bachus	Gilchrest	Peterson (PA)
Baker	Gingrey	Petri
Barrett (SC)	Gohmert	Pickering
Bartlett (MD)	Goode	Pitts
Barton (TX)	Goodlatte	Platts
Biggert	Granger	Poe
Bilbray	Graves	Porter
Bilirakis	Hall (TX)	Price (GA)
Bishop (UT)	Hastert	Pryce (OH)
Blackburn	Hastings (WA)	Putnam
Blunt	Hayes	Radanovich
Boehner	Heller	Ramstad
Bonner	Hensarling	Regula
Bono	Herger	Rehberg
Boozman	Hobson	Reichert
Boustany	Hoekstra	Renzi
Brady (TX)	Hulshof	Reynolds
Brown (SC)	Hunter	Rogers (AL)
Brown-Waite,	Inglis (SC)	Rogers (KY)
Ginny	Issa	Rogers (MI)
Buchanan	Jindal	Rohrabacher
Burgess	Johnson (IL)	Ros-Lehtinen
Burton (IN)	Johnson, Sam	Roskam
Calvert	Jones (NC)	Royce
Camp (MI)	Jordan	Ryan (WI)
Campbell (CA)	Keller	Sali
Cannon	King (IA)	Saxton
Cantor	King (NY)	Schmidt
Capito	Kingston	Sensenbrenner
Carter	Kirk	Sessions
Castle	Kline (MN)	Shadegg
Chabot	Kuhl (NY)	Shays
Coble	LaHood	Shimkus
Cole (OK)	Lamborn	Shuster
Conaway	Latham	Simpson
Crenshaw	LaTourette	Smith (NE)
Cubin	Lewis (CA)	Smith (NJ)
Davis (KY)	Lewis (KY)	Smith (TX)
Davis, David	Linder	Souder
Davis, Jo Ann	LoBiondo	Stearns
Davis, Tom	Lucas	Sullivan
Deal (GA)	Lungren, Daniel	Tancredo
Dent	E.	Terry
Diaz-Balart, L.	Mack	Thornberry
Diaz-Balart, M.	Manzullo	Tiahrt
Doolittle	McCarthy (CA)	Tiberi
Drake	McCaul (TX)	Turner
Dreier	McCotter	Upton
Duncan	McCrery	Walberg
Ehlers	McHenry	Walden (OR)
Emerson	McHugh	Walsh (NY)
English (PA)	McKeon	Wamp
Everett	McMorris	Weldon (FL)
Fallin	Rodgers	Weller
Feeney	Mica	Westmoreland
Ferguson	Miller (FL)	Whitfield
Flake	Miller (MI)	Wicker
Forbes	Miller, Gary	Wilson (NM)
Fortenberry	Murphy, Tim	Wilson (SC)
Fossella	Musgrave	Wolf
Fox	Myrick	Young (AK)
Franks (AZ)	Neugebauer	Young (FL)

NAYS—232

Abercrombie	Boswell	Clyburn
Ackerman	Boucher	Cohen
Allen	Boyd (FL)	Conyers
Altmire	Boyda (KS)	Cooper
Andrews	Brady (PA)	Costa
Arcuri	Braley (IA)	Costello
Baca	Brown, Corrine	Courtney
Baird	Butterfield	Cramer
Baldwin	Capps	Crowley
Barrow	Capuano	Cuellar
Bean	Cardoza	Cummings
Becerra	Carnahan	Davis (AL)
Berkley	Carney	Davis (CA)
Berman	Carson	Davis (IL)
Berry	Castor	Davis, Lincoln
Bishop (GA)	Chandler	DeFazio
Bishop (NY)	Clarke	DeGette
Blumenauer	Clay	Delahunt
Boren	Cleaver	DeLauro

Dicks  
Dingell  
Doggett  
Donnelly  
Doyle  
Edwards  
Ellison  
Ellsworth  
Emanuel  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Frank (MA)  
Giffords  
Gillibrand  
Gonzalez  
Gordon  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Hare  
Harman  
Hastings (FL)  
Herseth  
Higgins  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hooley  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Johnson (GA)  
Johnson, E. B.  
Jones (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick  
Kind  
Klein (FL)  
Kucinich  
Lampson  
Langevin

Lantos  
Larsen (WA)  
Larson (CT)  
Lee  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lynch  
Mahoney (FL)  
Maloney (NY)  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy (NY)  
McCollum (MN)  
McDermott  
McGovern  
McIntyre  
McNerney  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Millender-  
Hill  
Miller (NC)  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Oberstar  
Obey  
Oliver  
Pallone  
Pascarelli  
Pastor  
Payne  
Pelosi  
Perlmutter  
Peterson (MN)  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes  
Rodriguez

## NOT VOTING—8

Buyer  
Culberson  
Gillmor

## □ 1804

Mr. CAPUANO, Mr. CRAMER, Mrs. NAPOLITANO, and Ms. WOOLSEY changed their vote from “yea” to “nay.”

Messrs. SEXTON, BROWN of South Carolina, ROGERS of Michigan, LATHAM, EHLERS, SOUDER, WELDON of Florida, and KIRK changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Ms. SLAUGHTER. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 239, noes 188, not voting 8, as follows:

## [Roll No. 13]

## AYES—239

Abercrombie  
Ackerman  
Allen  
Altmire  
Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Barrow  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boren  
Boswell  
Boucher  
Boyd (FL)  
Boyd (KS)  
Brady (PA)  
Braley (IA)  
Brown, Corrine  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson  
Castor  
Chandler  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Cramer  
Crowley  
Cuellar  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis, Lincoln  
DeFazio  
DeGette  
DeLauro  
Dicks  
Dingell  
Doggett  
Donnelly  
Doyle  
Edwards  
Ellison  
Ellsworth  
Emanuel  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Ferguson  
Filner  
Frank (MA)  
Giffords  
Gillibrand  
Gonzalez  
Gordon  
Green, Al  
Green, Gene  
Grijalva

## NOES—188

Aderholt  
Akin  
Alexander  
Bachmann  
Bachus  
Baker  
Barrett (SC)  
Bartlett (MD)  
Barton (TX)  
Biggert  
Bilbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono  
Boozman  
Boustany  
Brady (TX)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)

Calvert  
Camp (MI)  
Campbell (CA)  
Cannon  
Cantor  
Capito  
Carter  
Castle  
Chabot  
Coble  
Cole (OK)  
Conaway  
Crenshaw  
Cubin  
Culberson  
Davis (KY)  
Davis, David  
Davis, Jo Ann  
Davis, Tom  
Deal (GA)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Doolittle  
Drake  
Dreier  
Duncan  
Ehlers  
Emerson  
English (PA)  
Everett  
Fallin  
Feeney  
Flake  
Forbes  
Fortenberry  
Fossella  
Fox  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gilchrest  
Gingrey  
Gohmert  
Goode  
Goodlatte  
Granger  
Graves  
Hall (TX)  
Hastert  
Hastings (WA)  
Hayes  
Heller  
Hensarling  
Herger  
Hobson  
Hoekstra  
Hulshof  
Hunter  
Inglis (SC)  
Issa  
Jindal  
Johnson (IL)  
Johnson, Sam  
Jordan  
Keller  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline (MN)  
Kuhl (NY)  
LaHood  
Lamborn  
Latham  
LaTourette  
Lewis (CA)  
Lewis (KY)  
Linder  
Lucas  
Lungren, Daniel  
E.  
Manzullo  
McCarthy (CA)  
McCaul (TX)  
McCotter  
McCrery  
McHenry  
McHugh  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Musgrave  
Myrick  
Neugebauer  
Nunes  
Paul  
Pearce  
Pence  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Poe  
Price (GA)  
Pryce (OH)  
Putnam  
Radanovich  
Ramstad  
Regula  
Rehberg  
Reichert  
Renzi  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Roskam  
Royce  
Ryan (WI)  
Sali  
Saxton  
Schmidt  
Sensenbrenner  
Sessions  
Shadegg  
Shays  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (TX)  
Souders  
Stearns  
Sullivan  
Tancredo  
Terry  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walberg  
Walden (OR)  
Walsh (NY)  
Wamp  
Weldon (FL)  
Westmoreland  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Young (AK)  
Young (FL)

## NOT VOTING—8

Buyer  
Gillmor  
Hall (NY)

## □ 1818

So the resolution was agreed to.  
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HALL of New York. Madam Speaker, on rollcall No. 13, had I been present, I would have voted “aye.”

## IMPLEMENTING THE 9/11 COMMISSION RECOMMENDATIONS ACT OF 2007

The SPEAKER pro tempore (Mr. MURTHA). Pursuant to Section 507 of House Resolution 6, proceedings will now resume on the bill (H.R. 1) to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States.

The Clerk read the title of the bill.

## PARLIAMENTARY INQUIRIES

Mr. HENSARLING. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. MURTHA). The gentleman will state his parliamentary inquiry.

Mr. HENSARLING. Mr. Speaker, pursuant to what order of the House are we considering this resolution, H.R. 1?

The SPEAKER pro tempore. The House is proceeding under House Resolution 6.

Proceedings will now resume on H.R. 1.

Mr. HENSARLING. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HENSARLING. Does that special order of the House waive all points of order against H.R. 1, including the newly enacted and much advertised pay-as-you-go point of order?

The SPEAKER pro tempore. All points of order are waived by House Resolution 6.

Mr. HENSARLING. Mr. Speaker, I have a further parliamentary inquiry. Does the special order provide for the consideration of any amendments?

The SPEAKER pro tempore. By way of a motion to recommit.

Mr. HENSARLING. Mr. Speaker, I have a further parliamentary inquiry. Does the special order treat the minority's right to offer a motion to recommit in the same manner as the bill itself by waiving all points of order again, including the much advertised new pay-as-you-go point of order against the motion to recommit?

The SPEAKER pro tempore. The motion to recommit is admissible. No waivers are provided for such motion.

When proceedings were postponed earlier today, 11 minutes of debate remained on the bill.

The gentleman from Mississippi (Mr. THOMPSON) had 6½ minutes remaining, and the gentleman from New York (Mr. KING) had 4½ minutes remaining.

The Chair recognizes the gentleman from Mississippi.

Mr. THOMPSON of Mississippi. Mr. Speaker, because her time was accidentally cut off earlier, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding and for his leadership.

Mr. Speaker, today belongs to the family members of the attacks of September 11 who have worked tirelessly to see these recommendations enacted. They spent today in Congress in meetings in support of this legislation.

The 9/11 Commission gave us a blueprint for better security which was not meant to be on a shelf gathering dust. With this legislation, Congress accomplishes more for security in less than a week than it previously could accomplish in more than 2 years.

Homeland security is a high priority of the first 100 hours agenda, and it includes many important and common-sense provisions. It requires Homeland Security grants to be based on risk, not politics. And the radios that did not work on 9/11 still do not work, and they did not work at Katrina. It establishes a grant program specifically for

communications equipment for first responders.

It establishes an independent privacy and civil liberties board with subpoena power, and it includes the prevention and helps to prevent the proliferation of weapons of mass destruction and terrorism. The bill expands the U.S. diplomatic outreach in the Middle East.

In short, the bill will make our citizens and our country safer. It is an important bill, and the 9/11 families thank the leadership of this Congress. The responders thank the leadership of this Congress. And I am deeply grateful that H.R. 1 is among the first bills in the first Democratic Congress to pass. It will make us safer in this country. I congratulate the new leadership on their hard work at making this happen.

Mr. KING of New York. Mr. Speaker, may I inquire of the gentleman from Mississippi as to how many speakers he has?

Mr. THOMPSON of Mississippi. Mr. Speaker, I have one speaker, and I will be prepared to close after that.

Mr. KING of New York. Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, for the last 4 years I have worked to ensure that no shipping container should be put on a ship bound for the United States until it is scanned for radiation and density, and sealed with a tamper-proof seal. The 9/11 Commission insisted on better port security measures.

Last year, along with Mr. OBERSTAR, I introduced the Sail Only if Scanned Act. We tried to insert into the SAFE Port Act, but the Republican leadership opposed this provision with near party-line votes in committee and on the floor.

But now, Title V of this bill will implement the Sail Only if Scanned Act, and require that every container be scanned and sealed with a tamper-proof seal before being placed on a ship bound for the U.S. We phase in the requirement, within 3 years for large ports, 5 years for small. But it must be done.

We must be serious about protecting ourselves against the terrorists. Studies are not enough. This bill finally takes the threat seriously.

The cost to scan each container is only about \$6.50. The startup cost to purchase and install the scanning equipment world wide is about \$1.5 billion. Foreign ports can recover the cost by charging about \$20 per container. Given the fact that it costs about \$4,000 to ship a container from Asia to the United States and a container might hold \$50,000 or \$100,000 worth of goods, that is a drop in the bucket.

This bill also includes critical provisions to strengthen aviation security, to distribute homeland security grants based on risk, and it will strengthen the Cooperative Threat Reduction Program to secure nuclear materials in

the former Soviet Union. For years, some of us have been pushing to accelerate counter-proliferation programs. This bill will go a long way toward securing loose nuclear materials around the world.

I congratulate the new leadership of this House for pressing this bill. I urge all my colleagues to vote for this and finally implement the key recommendations of the 9/11 Commission and make this country safer.

Madam. Speaker, for the last four years, I have worked to insure that no shipping container should be put on a ship bound for the U.S. until it is scanned for radiation and density, and sealed with a tamper-proof seal. The 9/11 Commission insisted on better port security measures.

Last year, along with Chairman OBERSTAR, I introduced the Sail Only if Scanned (SOS) Act. We then tried to insert it into the SAFE Port Act. Unfortunately, the Republican leadership opposed this provision, with near party-line votes in committee and on the floor.

But now, Title V of this bill will implement the Sail Only if Scanned Act, and require that every container be scanned and sealed with a tamper-proof seal before being placed on a ship bound for the U.S. We phase in the requirement—within three years for large ports, five years for small. But it must be done.

We know our port security system is vulnerable. The 9/11 Commission said the opportunities to do harm are as great, or greater, in maritime transportation than in our aviation system.

Luckily, the Democratic Leadership is willing to follow through on our promise to scan 100 percent of shipping containers so that we can prevent nuclear weapons from being smuggled into the United States through our ports. We recognize that it is time for Congress to catch up to the rest of the World. In Hong Kong, the Integrated Container Inspection System (ICIS) pilot program has successfully achieved 100 percent scanning, proving that the technology works without slowing down commerce. Many other ports are already starting to purchase this equipment, and many in the shipping industry realize that it is in their best interest to secure their cargo before, G-d forbid, someone uses our ports to cause harm, and the system has to be completely shut down.

We must be serious about protecting ourselves against the terrorists. Studies are not enough. This bill, finally takes the threat seriously.

The cost to institute this system is minimal. It could be folded into the cost of doing business and the consumer would never even notice. The cost to scan each container is only about \$6.50. The startup cost to purchase and install the scanning equipment worldwide is about \$1.5 billion. Foreign ports can recover the cost by charging about \$20 per container. This is a drop in the bucket given that it costs about \$4,000 to ship a container from Asia to the United States, and that container might hold \$50,000–\$100,000 or more worth of goods. We waste billions of dollars in Iraq and on other Defense Programs, such as "Star Wars," but we can protect ourselves against this very real threat to our port security system with virtually no cost to the U.S. Government.

We must not wait to impose security measures until containers reach the United States.



If there is a bomb inside a container, and it is detected in Newark, or Miami, or Los Angeles, it may be too late. Reading the cargo manifest is not enough. Trusting the shippers is not enough. We must verify the contents of the containers at the point of origin, before they are loaded onto a ship destined for America. This bill will do just that.

This bill also includes critical provisions to strengthen aviation security, to distribute homeland security grants based on risk, and it will strengthen the Cooperative Threat Reduction Program to secure nuclear materials in the former Soviet Union. For years, I have been pushing to accelerate counter proliferation programs, and this bill will go a long way toward securing loose nuclear materials around the world.

I urge all my colleagues to vote for H.R. 1 and finally implement all of the recommendations of the 9/11 Commission.

Mr. KING of New York. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, as I said at the outset of the debate, I commend the gentleman from Mississippi (Mr. THOMPSON) on his elevation to the position of chairman. He is an outstanding Member of this House, and I look forward to working with him in a bipartisan manner throughout the next 2 years.

I must say, however, that I am deeply disappointed in the manner in which this bill was brought to the floor today and, indeed, with many of the provisions that are in this bill. I say that as someone who lost more than 150 friends, neighbors and constituents on September 11th, who has a number of staff members working for me who lost relatives on September 11th, so no issue is more important to me than getting homeland security right and making it work.

But during the previous 2 years, certainly during the 15 months that I was chairman of the Homeland Security Committee, it was bipartisan. Every bill that came to the floor went through subcommittee and went through the full committee. Port security legislation, FEMA restructuring, chemical plant security bill, all went through the subcommittee, full committee and were adopted by this House and were signed into law.

In addition to that, we had the risk-based funding bill which went through the committee and again passed on the House floor. It was blocked in the Senate. But the fact is, we got results, and we got them in a bipartisan basis. No bill came to the floor without full bipartisan cooperation from day one.

Now, unfortunately, for whatever reason, as part of the 100 hours show, the leadership refuses to allow any bipartisan input, no committee involvement at all, no subcommittee involvement and no amendments. And in doing that, it is not just a shot at us. We can survive that. We will be back in 2 years. But what I am concerned about is, what this does for the next 2 years and what it does to the Homeland Security Committee, because the 9/11 Commission specifically stated that a committee should be given primary ju-

risdiction. That should be the Homeland Security Committee.

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The Democrats could have taken care of that in their rules package. They refused to do it. So the most important recommendation of the 9/11 Commission is not being enacted today. It is not being done at all. In fact, they are weakening the committee by bypassing the committee process.

I will use as one example what happens when a bill is rushed to the floor without the proper deliberative process. We talk about 100 percent scanning of all cargo coming into our ports. The fact is in the port security bill, which passed the House, passed the Senate and was enacted into law, we set up pilot projects around the world to find a scanning process that works.

The fact is there is no current technology that works at 100 percent. We don't have it. We want to find what works the best. Nowhere in the 9/11 Commission report do they call for 100 percent scanning. All of us want to have it. The fact is we are not going to be able to scan 11 million containers coming into our shores.

Now, last year when this was first raised by the Democratic Party, the Washington Post said it is a terrible idea. It is a slogan, not a solution. We hope lawmakers resist the temptation to use it in the election season to come.

Now, the Washington Post is not exactly an advocate of the Republican Party. Today in their editorial, they talk about what a tough job it is to bring about homeland security. They say it will not be done by wasting money on the kind of political shenanigans written into the sprawling Democratic bill introduced on the House floor today.

The Democrats don't offer a realistic cost estimate for the mandate they will propose, but the cost to the government and the economy is sure to be in the tens of billions of dollars and quite possibly hundreds of billions annually.

Luckily, the Senate will give more thought to its homeland security bill, the Washington Post says, but House Democrats can figure those odds as well as anyone, but why not score some easy political points in your first 100 hours.

Well, the fact is you shouldn't be scoring political points on the issue of homeland security. That is too important an issue to be trivialized the way you are doing it here today. Now I will, in the end, I will vote for this bill despite its faults, because I want to send a bipartisan message that the House stands behind homeland security.

But I will hope that in the future, we will have a Homeland Security Committee which is empowered the way it should be by the Democratic leadership, that a Homeland Security Committee, which I know the chairman wants to do, will work in a bipartisan

way so we can address the scourge of Islamic terrorism as Republicans and Democrats and Americans and not having something rammed through to score cheap political points in the 100-hour circus.

Mr. Speaker, I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself the remainder of the time.

First of all, I would like to set a couple of things straight for the record. For my ranking member, these 9/11 recommendations are not cheap political tricks; they are very serious and things that we all take very seriously because of that.

With respect to the 100 percent port cargo screening, it says take the lessons learned from the pilots and then implement what you learned from the pilots, not go forward, like you say.

You talk about not bringing bills before the committee. You brought a fence bill straight to the floor without going through a subcommittee or a committee.

So I might say to my colleague, I look forward to working with him over the next 2 years on making sure that we keep America safe from bad people, but also that we are able to respond to natural disasters and other things.

Mr. Speaker, it is fitting and proper that this bill, the first bill voted upon by the new Congress, gets the record straight on the 9/11 Commission's report. We finished the job. Yesterday, former Vice Chair Lee Hamilton of the 9/11 Commission made it very clear why we are here today.

He said in his view, "The terrorists are plotting today on how best to strike the United States. They will not wait, and it has been a source of very considerable frustration to the members of the 9/11 Commission that so many of our recommendations, which really are commonsense recommendations, like the ability of the first responders to communicate with one another, the allocation of funds on the basis of risk and not politics, and many other recommendations, are simply common sense. It has puzzled us and frustrated us that they have not been enacted into law."

Let us be very clear, Mr. Speaker, today's bill fixes these problems and fulfills many of the 9/11 Commission's recommendations. In short, as 9/11 Vice Chair Lee Hamilton said yesterday, if this bill is enacted, funded and implemented, the American people will be safer.

I urge support of the bill.

Mr. STARK. Mr. Speaker, I rise in support of an important bill that will make America safer and more secure.

Today's legislation ends years of gridlock by finally enacting recommendations made by the 9/11 Commission over two years ago. H.R. 1 will distribute homeland security grants based on risk, enhance nuclear non-proliferation, and improve education and economic development in Arab and Muslim countries.

Under the Republican regime, I was never one to jump on the homeland security bandwagon as Congress passed meaningless resolutions intended to frighten and divide the American people, repeatedly and falsely claimed progress was being made in Iraq, and conducted no oversight of the Department of Homeland Security. In contrast, the Democratic Congress is already taking meaningful action to improve American security. H.R. 1 is short on rhetoric and long on reforms and tough new security requirements.

The 9/11 Commission Recommendations Act contains common sense, bipartisan ideas. Opponents may argue that this bill is too ambitious, but they won't find a single provision inserted merely to instigate a political fight.

In the recent election, Democrats pledged to work across the aisle to pass substantive legislation that will affect the everyday lives of all Americans. This first bill meets that pledge. I urge my colleagues to heed the pleas of our constituents to stop posturing and start legislating by voting yes to make America more secure.

Mr. ETHERIDGE. Mr. Speaker, I rise in strong support of H.R. 1, and I urge all my colleagues to join me in voting to pass this vitally important legislation to implement the recommendations of the bipartisan 9/11 Commission.

Keeping all Americans safe should be the top priority of the government. Congress cannot wait for another attack to take steps to protect our nation from terrorism. I have worked on the Homeland Security Committee to implement the 9/11 Commission's recommendations, and I hope that the rest of my colleagues will join me in supporting these critical reforms.

The bill includes a number of steps to improve homeland security, including:

Requiring major improvements in aviation security, border security, and infrastructure security;

Requiring 100 percent inspection of cargo at ports and on passenger aircraft;

Providing first responders the equipment and training they need including the critical issue of communications interoperability;

Increasing efforts to prevent terrorists from acquiring weapons of mass destruction;

Significantly expanding diplomatic, economic and educational strategies designed to counter Islamic terrorism;

Strengthening privacy and civil liberties protections; and

Restoring America's moral leaderships throughout the world.

As North Carolina's only Member of the Homeland Security Committee, I worked with my colleagues in the 109th session of Congress to implement many of the reforms included in today's legislation. In particular, I joined my colleagues on the committee in supporting legislation to screen 100 percent of all containers entering U.S. ports, and to provide first responders with interoperable communications equipment.

The bipartisan 9/11 Commission was created by Congress to provide recommendations on preventing another terrorist attack. The recommendations were released in 2004. Congress implemented several of the recommendations in December 2004, however the Republican-controlled Congress did not implement many, and only partially implemented others. In its final report card, the 9/

11 Commissioners gave the Administration and Congress many poor grades on implementing the recommendations, and this legislation will make America safer by putting these new policies into place.

Mr. Speaker, the American people want bipartisan action to provide real solutions for a safe and secure country, and I urge my colleagues to join me in voting to pass H.R. 1.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in strong support of H.R. 1, a long awaited legislative package that will finally fulfill our duty to protect the people of our nation by fully implementing the recommendations of the 9/11 Commission.

After months of careful investigation into the security weakness that led to the 9/11 attacks, the bipartisan and independent 9/11 Commission proposed a series of reforms necessary to secure our country and prevent future terrorist attacks. These recommendations addressed a number of areas, including revamping the way we fund homeland security, preventing nuclear materials and WMD from falling in the worst hands, and targeting the root causes of terrorism. Yet, despite bipartisan public support for their work, 20 of the Commission's 41 recommendations—nearly half—have gone unfulfilled.

Over the past two years, the 9/11 Commission has rated Congress' implementation of their recommendations with failing grades. Protecting the American people is the primary responsibility of our government, and I am proud that one of the first bills considered by the new Congress is the implementation of all of the 9/11 recommendations. This bill meets our duty to protect the nation we serve by requiring the scanning of all air and maritime cargo, increasing resources that will enable our first responders to communicate with each other in times of crisis, and ensuring that we distribute our homeland security funding where it is needed the most.

I am particularly grateful that this bill increases our commitment to preventing the worst weapons from falling into the worst hands. During public forums on nuclear non-proliferation I have hosted in the past year at St. Joseph College and Trinity College, many of my constituents expressed their concerns about nuclear materials falling into the hands of terrorists. That threat to our nation is real, and this bill fulfills the 9/11 Commission recommendation to prevent terrorists from acquiring weapons of mass destruction and strengthen our nonproliferation programs around the world.

More than sixty Connecticut residents lost their lives on that tragic September day in 2001. Over five years later, we owe it to them and their families to finally implement these measures and ensure that such a day will never happen again.

Mr. LANGEVIN. Mr. Speaker, I rise today to commend this body for considering legislation which will finally get us back on track to fully implement all of the recommendations made by the bipartisan 9/11 Commission in 2004.

The 9/11 Commission provided our nation an objective and eye-opening assessment of how terrorists were able to exploit our security vulnerabilities on September 11th and made 41 key recommendations to address these shortcomings.

Unfortunately, two and a half years after the Commission's recommendations, there are still glaring threats that remain to be addressed. In

fact, just over a year ago, the 9/11 Public Disclosure Project issued a report card that gave the Administration D's and F's in some of the most critical areas.

Today, we finally have an opportunity to ensure that the 9/11 Commission's tireless efforts were not in vain. The legislation before us would shore up remaining vulnerabilities and implement recommendations that have been ignored completely or only partially addressed until now.

As the former Ranking Member of the Subcommittee on Prevention of Nuclear and Biological Attack, I am particularly pleased that this bill contains several provisions to make our nation more secure from the threat of a nuclear attack. H.R. 1 strengthens our most effective global non-proliferation programs, like Cooperative Threat Reduction and the Global Threat Reduction Initiative. These programs have proven successful in securing the most dangerous nuclear material abroad, before it can get into the hands of those who would do us harm.

Additionally, this measure gives the United States the power to sanction individuals involved in the illegal trade of nuclear material. It also builds upon the recently enacted SAFE Ports Act by requiring all cargo containers be scanned before leaving their port of origin and improves the quality of their inspections.

Today we are also taking a long-overdue, comprehensive approach to the vulnerabilities that remain in our aviation system. Under this measure, we will finally screen 100 percent of cargo on passenger planes and improve airline screening checkpoints to detect explosives. This measure will also create a redress process for passengers misidentified against the "No Fly" or "Selectee" watchlists who have been wrongfully delayed or prohibited from boarding a flight.

This measure provides significant support to first responders, who place their lives on the line each day, by funding state and local efforts to obtain the interoperable communication systems essential for emergency response. Additionally, our bill will considerably improve information sharing, which is one of our most effective forms of defense. H.R. 1 will strengthen fusion centers across the country, helping state and local law enforcement build relationships across every level and discipline of government and with the private sector to help ensure that criminal intelligence and other information is shared with those who can put it to the best use.

Finally, this legislation will protect the privacy and civil liberties of Americans, while effectively combating terrorism. Under this measure, the Privacy and Civil Liberties Oversight Board will be reestablished as an independent agency, which will greatly enhance the Board's oversight functions and help to ensure that we do not sacrifice freedom in the name of security.

The best way to honor those who died in the attacks of September 11th is to learn from the lessons of that tragic day, and this bill brings us much closer towards achieving this goal.

Mr. CUMMINGS. Mr. Speaker, I rise today in strong support of H.R. 1.

I am deeply disappointed that it has taken more than 5 years since the terrible events of September 11, 2001, to implement the recommendations of the 9/11 Commission.

However, by making legislation implementing these recommendations the first

measure brought to the floor, our Democratic leadership has affirmed what will be our unwavering commitment to homeland security throughout the 110th Congress.

I am also deeply heartened that this bill would exceed the 9/11 Commission's recommendations by finally requiring the examination of all shipping containers bound for the United States.

Only a small percentage of the 11 million containers delivered during the more than 62,000 port calls made annually at U.S. ports is physically inspected upon arrival. It is therefore critical that all possible measures be taken to interdict containers that could pose a threat to our Nation's security before they ever set sail for our shores.

I urge the passage of H.R. 1 and I commend Speaker PELOSI, Leader HOYER, and Chairman THOMPSON for their dedication to port security. I look forward to working with our distinguished Chair, Mr. OBERSTAR and the leadership to strengthen the security of every facet of our Nation's transportation network.

Mr. STEARNS. Mr. Speaker, H.R. 1, the "Fully Implementing the 9/11 Commission Recommendations Act," does not achieve what it advertises. In fact, in many cases, it inhibits our Nation's ability to secure our citizens against attack. This bill neglects to address many recommendations, including classified oversight of the Homeland Security Department, declassification of the intelligence budget, and a shift of paramilitary operations from the CIA to the Defense Department. There are other provisions inserted in this bill, that do not appear anywhere in the 9/11 Commission Report, including unionization of Transportation Security Administration (TSA) employees, 100 percent screening of cargo containers, and several foreign policy initiatives, some of which have already been passed into law.

Incredibly, a provision in this bill would cede one of our Nation's most critical and effective national security initiatives to regulation by the United Nations. The Proliferation Security Initiative (PSI) is a 4-year-old program created and run by the United States to coordinate nonproliferation efforts by ourselves and our allies. This program's effectiveness was a key deterrent to Libya's nuclear program, and was directly responsible to uncovering the large Pakistani nuclear black market ring run by A.Q. Khan. Transferring this program to the United Nations would require participants in the program to seek the approval of these foreign governments prior to interdicting illicit WMD material, creating yet another hurdle that agencies would have to overcome prior to intercepting illegal WMD shipments.

This program relies heavily on shared intelligence, which is the primary reason it must not be handed over to the UN Security Council. This would jeopardize the intelligence, routes, methods and sources used by U.S. and allied forces to prevent proliferation of WMDs by rogue regimes and terrorist organizations. Allowing members of the United Nations Security Council, which in the past has counted Syria and Pakistan as members, will compromise operations, cripple the program's effectiveness and endanger our citizens.

In yet another disparity, the 9/11 Commission does not recommend 100 percent screening of cargo containers. However, the last Congress determined that greater security was a need, and therefore passed, with bipartisan support, the SAFE Ports Act. Under these ex-

panded security measures, all cargo entering the country is assessed for risk long before it reaches our shores, and when designated as questionable, those shipments are thoroughly inspected. In fact, current best practices by the Customs and Border Patrol also includes random inspections both at dockside during loading and unloading, and of the trucks as they leave the port.

This 100 percent mandate is also incredibly burdensome financially. House Democrats expect industry, and possibly foreign governments, to cover the costs of ensuring 100 percent cargo screening of containers entering the United States by air or sea. The airlines would be expected to pay for air cargo inspections; while foreign port terminal operators would be expected to pay for scanning U.S. bound sea cargo. The bill does not estimate how much this will cost, but DHS is already spending \$60 million a year to scan sea cargo at six foreign ports. According to DHS, there are more than 700 U.S. seaports that ship to the U.S., raising estimates of the costs of this program into the tens of billions.

Funding for Homeland Security must be split to address a wide array of threats against the United States to minimize risk as best possible. To allocate funding on any program that has little likelihood of effectiveness is egregiously irresponsible. Container-screening technology is improving, but is not yet proficient enough to scan all of those containers in a useful, accurate, and speedy manner. That is why in the SAFE Ports Act, Congress included provisions to conduct feasibility studies of the 100% container-screening proposal and of emerging screening technology. The results of these studies have not even been reported, and yet the Democratic leadership insists on pushing through this incredibly ill advised mandate without the full information, without hearings and without mark-up sessions in committee. This illogical, ill-informed approach to our national security is being pursued with only one discernable purpose, political clout by achieving passage of the Democrats' "100 hours agenda".

There is also the extraordinarily troubling provision that would grant collective bargaining rights to TSA employees. On the surface, this may seem reasonable, but it poses a clear danger to our national security. Granting unionization rights to TSA employees would allow them to strike when negotiating their contracts. Imagine a strike of TSA screeners at airports across the nation at Thanksgiving, or the during the Fourth of July holiday. It would be a nightmare—airport operations would cease or the security of our flights would be threatened from lack of adequate passenger and luggage screening. That is one reason why federal employees in positions impacting National Security were purposely excluded from collective bargaining rights when Congress passed the Labor-Management Relations Act in 1947, and affirmed again when the TSA was re-established under the Department of Homeland Security in 2002.

DHS must have the flexibility to move and retrain employees at will in response to the changing nature of threats against the United States. Following last July's intelligence revelation that terrorists were plotting action against U.S. flights from the United Kingdom, one critical advantage that DHS cited was the ability to shift employees to respond to this new emerging threat. Should TSA employees

unionize, DHS would no longer have this speed and flexibility, weakening our responses to terrorist threats.

This bill is touted by democrats to implement many of the recommendations of the 9/11 Commission, but not only does it not accomplish this, it fails to identify funding for the initiatives. In fact, only one provision in the entire bill contains a defined funding authorization: the checkpoint screening security fund, which would authorize \$250 million for FY2008. Therefore, this legislation could end up only as an exercise in futility should appropriators not allocate funds for these programs. House Homeland Security Chairman BENNIE THOMPSON conceded that he may have included more authorization levels had there been more time, "But, in the spirit of 'let's get it done,' we'll work it out." Ramming through legislation with the expectation that legitimate concerns and problems with legislation will be addressed at some later date is not the way to protect our citizens, and it is certainly a haphazard manner in which to pass laws.

National security is not an issue that should hinge on "rough drafts" of proposals awaiting future refinement. If there is a need to reform our national security procedures, which I believe there is, it is imperative that we thoroughly consider these issues in Committee with hearings and legislation mark-up sessions. We must always consider national security issues with due deference and the humbling knowledge that every initiative we pass here in Washington will directly impact the security of our constituents at home.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in support of H.R. 1. The 9/11 Commission made its recommendations over two and a half years ago, and I am pleased this legislation to implement those recommendations is a top priority in this Congress.

Among other things, this legislation will address the allocation of Homeland Security grants to ensure risk-based distribution of funds to provide the most vulnerable areas with the resources necessary to protect citizens and infrastructure. Section 2001 of this bill defines what critical sectors should be used to determine high risk areas, and representing a district that is home to many of these sectors, I have long supported these changes.

This bill will also improve information sharing among different levels of law enforcement, improve the interoperability of communications for first responders, and strengthen aviation and cargo security.

As the 9/11 Commission pointed out, these are all important steps toward securing our homeland. But I am concerned about how some of these objectives are accomplished and the jurisdictional implications in this bill.

In particular, this bill provides the Department of Homeland Security with broad authority over public health, electric transmission, site security, and communications. The agencies and departments that currently oversee these areas have expertise working with these issues and it is not clear that DHS is better prepared to regulate, advise or award grants in these areas.

I look forward to working with my colleagues to ensure these issues are worked out either in conference or through committee oversight.

Mr. HOLT. Mr. Speaker, after more than 2 years of needless delay, the House is finally taking action on the balance of the recommendations made by the 9/11 Commission.

This is a large bill that tackles a range of critical issues, but I want to comment on three areas in particular: risk-based funding for homeland security needs, making our first responder's communications truly interoperable, and measures we need to take overseas to stop the terrorist from getting here in the first place.

For the past several years, I've sponsored a series of homeland security grant writing workshops for first responder organizations in my district. These workshops are always well attended and I'm pleased that they've been of value in helping various fire, EMS, and police departments cross central New Jersey become competitive in applying for these grants. However, the one question I get most often from these professionals is "Why aren't these grants allocated on the basis of risk?" I know many of my colleagues were hearing the same thing from their first responders, which is why last year I joined a number of my colleagues in sending a letter to Secretary of Homeland Security Michael Chertoff asking him to make grant award decisions on the basis of risk. While DHS has made some progress in this area, it hasn't come far enough quickly enough. That's why I'm pleased that this bill requires DHS to use a risk-based funding formula when allocating these grants. New Jersey is at far greater risk of attack—and it has more infrastructure targets, like chemical plants—than more rural, less densely populated states. Our vulnerabilities require commensurately greater resources.

Another critical fix contained in this bill is a grant program dedicated to communications interoperability. As incredible as it may seem, 5 years after the 9/11 attacks, and one year after Hurricanes Katrina and Rita, the Department of Homeland Security still does not allocate funds specifically for the purpose of helping local first responders coordinate in an emergency. As a result, states and localities are forced to rob Peter to pay Paul by using large chunks of homeland security grant funding—in some instances 80 percent—to purchase communications equipment. As a result, fewer resources are spent securing bridges, ports, and buildings. This is a false choice being forced upon local officials. Today's legislation is a down payment on those needs.

Importantly, the federal grants can be used only for equipment, technology, and systems that have been determined by the Secretary of Homeland Security to meet emergency communications equipment and technology standards. Therefore, State and local governments will be protected from relying solely on the claims of vendors, and can use the grants to invest in emerging technologies, not the same dinosaur systems that first responders historically have been forced to rely on. Also, this bill also takes steps to ensure the completion of a National Emergency Communication Plan. Such a plan will help to ensure that Federal, State, and local governments are developing plans and systems to improve multi-jurisdictional communications in an emergency that is truly "National" in scope.

Finally, while this bill includes useful provisions for strengthening our outreach to the Islamic world, we have to recognize that defensive measures at home are necessary in part because of a failure of our policies abroad.

For decades, our government has had a devil's bargain with a number of corrupt, des-

potic regimes in the Middle East and South Asia: they help us maintain order in the region, and we help them maintain order at home. We don't like to talk about this hypocritical double standard, but it exists, and it is impossible to truly quantify how much damage that hypocrisy and our support for such dictatorial regimes has cost us.

This is another legacy of the Cold War, where any country—no matter how brutal its government—was a potential ally for us against the Soviets. The same misguided approach is now being applied in our relationships with various countries with corrupt, brutal governments that ruthlessly suppress dissent at home even as they proclaim their solidarity with us in the war against Al Qaeda and like-minded groups.

The reality is that by viciously obliterating the voices of moderation in their societies, these despotic regimes are paving the way for Al Qaeda. By eliminating those calling for a free press and free elections, these governments are driving ever-greater numbers of Muslims into bin Laden's ranks. So long as we stand by and let them repress or destroy the voices of moderation in these countries, will we be complicit in the creation of the next generation of people who reject democracy in favor of the Kalishnikov rifle or the car bomb.

Mr. Speaker, I'm pleased that the House will pass this bill today and I will gladly support it. But we must know that even if this bill becomes law, the work of protecting our citizens and restoring our country's standing in the world has only begun.

Ms. MATSUI. Mr. Speaker, the new Congress has begun and today we debate the first piece of our 100 hours agenda, H.R. 1—the implementation of some of the long-overdue bipartisan 9/11 Commission recommendations.

As I have stated on numerous occasions, national security is our highest priority. By passing these long-overdue 9/11 Commission recommendations today, we will be taking significant steps towards better protecting our country. This means scanning all air cargo loaded onto passenger planes and seaborne cargo containers shipped into the United States, as well as encouraging intelligence information sharing among federal, state and local agencies.

Further, it will increase the share of state homeland security grants provided to our communities, based on risk—an issue of particular concern to my home state of California. The current formula results in 40 percent of funding equally distributed to each state with the remainder allocated based on risk. With H.R. 1, each state is guaranteed a minimum of .25 percent of funding, while states that share an international border, or are connected to a body of water with an international border would receive at least .45 percent. This strikes a balance between risk-based allocations and ensuring a funding minimum for all states. Another result of this new distribution is that more funding will be directed towards essential programs such as the Urban Area Security Initiative, the State Homeland Security Grant program and the Law Enforcement Terrorism Prevention program.

Concerns have also been raised about the gaps in the Department of Homeland Security's critical infrastructure asset database. Over the past year, I have repeatedly highlighted overlooked infrastructure with DHS, which led to the Department making changes

to the Urban Area Security Initiative Grant. This bill will begin to close this gap by requiring annual assessments of information regarding critical infrastructure and the creation of a regularly updated asset databases.

As I have repeatedly stated, the federal government needs to do its job of protecting the American people. Part of that is providing leadership by setting standards as incorporated in H.R. 1 and the other is to provide resources.

Mr. Speaker, Congress has had far too long to implement these critical reforms recommended by the bipartisan 9/11 Commission. I am pleased to be able to vote today in favor of H.R. 1. I know that these reforms will direct our limited federal funds toward areas facing higher threats, and ensure further safety standards for our transportation systems. Through H.R. 1 we will ensure that our country is better protected against and prepared for any future terrorist attack.

Mr. HERGER. Mr. Speaker, there are a number of provisions in this bill that I believe will improve our national security. For instance, I support increasing protections at our most important infrastructure facilities, like dams and power plants, and improving the Homeland Security grant allocation process so that it is truly risk-based. I also agree with the provisions in the bill that would strengthen sanctions on countries that participate in the proliferation of nuclear materials, equipment and weapons technology.

However, I do have concerns with the bill's cargo inspection provision. We need to arrive at a system that ensures that all cargo entering the U.S. is safe. I believe the best way to approach supply chain security is through a risk-based approach, as endorsed by the SAFE Ports Act, which became law last fall. In particular, the SAFE Ports Act establishes a pilot program to test a system of 100 percent scanning at three ports. Then, based on lessons learned from that program, we could deploy a broader functioning inspection system.

Although the goal of today's legislation is laudable, I am concerned that it imposes an arbitrary deadline for its new requirement for 100 percent scanning in all ports without first considering the effectiveness of such a proposal or our ability to carry it out. We must also consider who will pay for this new program—both inside and outside the United States.

Mr. Speaker, I remain committed to working with others in the House to see that the provisions of last year's SAFE Ports Act are implemented, and believe that the feasibility of any new measures and mandates should be demonstrated before they're passed into law.

Mr. SENSENBRENNER. Mr. Speaker, during this past campaign, Democrats pledged to move legislation through the regular committee process and to allow Republicans more latitude to offer amendments on the House floor. They broke this promise last week, again today, and they intend to do it next week as well. Today, as the House considers H.R. 1, the Implementing the 9/11 Commission Recommendations Act of 2007, Members are not allowed to offer any amendments. Formal committee process, rather than a closed rule and no committee consideration, would have identified the absurdity of providing an unelected board with an administrative subpoena authority that exceeds that of the FBI.

An administrative subpoena is an order from a government official to a third party, instructing the recipient to produce certain information. Congress has granted subpoena authority to many agencies that exercise regulatory powers. One problem with administrative subpoenas is that they are not reviewed by courts unless challenged or for enforcement reasons.

The 9/11 Commission's final report recommended that "there should be a board within the executive branch to oversee adherence to the guidelines we recommend and the commitment the government makes to defend our civil liberties." H.R. 1 makes the Privacy and Civil Liberties Oversight Board an independent agency within the executive branch.

I generally oppose administrative subpoenas within the executive branch, specifically those for law enforcement. I opposed granting the FBI administrative subpoena authority during consideration of the PATRIOT Act and I oppose it in this case.

During a Judiciary Committee markup of H.R. 10 in September 2004, I offered an amendment to establish a Privacy and Civil Liberties Oversight Board to provide advice and counsel on policy development and implementation as it pertains to privacy and civil liberties implications of executive branch actions, proposed legislation, regulations, and policies related to efforts to protect the Nation from terrorism. My amendment was a complete substitute for an amendment offered by Mr. WATT that would have provided for a similar board with broad administrative subpoena power and provided nearly unlimited authority to analyze all aspects of the Nation's war on terrorism.

While it is necessary to provide the proper tools and resources needed to fight and win the war on terror, giving an unelected board broad administrative subpoena authority is not the answer.

Mr. GARRETT of New Jersey. Mr. Speaker, I am greatly pleased that the first priority of this legislation is to continue the efforts of the 109th Congress to fundamentally change the way in which Homeland Security grants are dispersed. By current formulae, only 60 percent of grants are assigned on the basis of risk, meaning that we are spending hundreds of millions of dollars that should be protecting our most vulnerable citizens and infrastructure on political priorities.

Restructuring this grant program to better protect the regions at highest risk of terrorist threat has been amongst my highest priorities since coming to Congress. North Jersey, which I represent, lost many residents and family members in the 9/11 attacks and, in fact, sent many of its own first responders over the Hudson River to respond to those attacks. While those same brave New Jersey first responders have struggled to purchase the communications and safety equipment that are necessary to deal with any future attacks, operating with outdated air packs and obsolete radio equipment, other areas of the country with less risk of terrorist attack have had the luxury of using these funds for far less necessary purchases.

Three times the 109th Congress passed legislation to fix this gross oversight. I hope that the current leadership will stand strong and insist that their colleagues in the Senate take the appropriate steps to better prioritize our limited funds and make our people safer.

I am further concerned that this large and expensive bill has come to floor outside of any

normal procedure. There are a number of new programs, panels, reports, and procedures contained in the bill that have never come before the Committee on Homeland Security. Some of these programs may be effective in enhancing our security, but without expert testimony or any comment from the department officials who will carry out these directives, we can have no confidence in their value.

In fact, there is no real way to even determine what all these provisions will cost since the bill fails to appropriate or authorize specific sums. Given the claims of our new leadership that they are retaking the mantle of fiscal responsibility, it is disturbing to see that their first piece of legislation, H.R. 1, comes to the floor without any plan for how much is to be spent and where all this new funding is supposed to come from.

Security for the American people should be our number one priority, but we absolve ourselves of our responsibility as legislators by writing a blank check. I hope that in the coming months we can work together to bring real solutions to the House floor and work with the Senate to send strong legislation to the President.

Mrs. CAPPS. Mr. Speaker, I rise in strong support of H.R. 1, the Implementing the 9/11 Commission Recommendations Act.

I am pleased that in the first 100 hours of the 110th Congress, the Democratic leadership is taking up legislation of enormous importance: how to make our Nation safe from future terrorist attacks.

As a Nation, we must work harder to close the security gaps that still exist. For example, we know that transportation systems are a frequent target of terrorist attacks. In fact, one third of the terrorist attacks that take place around the world's largest transportation systems.

As many have observed, our Nation's security is only as strong as our weakest link. This bill will help strengthen some of our weakest links, especially with respect to security at our ports.

Today only about 5 percent of the more than 11 million shipping containers destined for the United States are inspected or scanned. We cannot own or control the entire global trade network, but we can and should ensure the security of containers destined for this country.

Security experts agree that nuclear weapons, or bomb-making materials, could easily be smuggled into the country under the current regime.

Beyond the human toll, an attack on or through our ports would have a dramatic economic impact and could bring the flow of commerce to a dead stop. A terrorist attack on our ports—or an attack carried out through a cargo container system—would undermine our Nation's confidence in the hundreds of thousands of containers that crisscross our country every day.

I'm proud to represent one of the busiest commercial ports on the West Coast—the Port of Hueneme. The employees at the Port and the people that live and work around it appreciate that this bill will finally close this glaring security gap.

H.R. 1 ensures that every container is scanned using the best available technology before being loaded onto a ship destined for our country. And it mandates a gradual implementation to ensure that overseas ports have

the time to purchase and install new scanning equipment. These measures will ensure that commerce will continue to flow as these important security measures are taken.

As you know, this legislation is modeled on the operations conducted at container terminals in Hong Kong, which scans 100 percent of cargo containers without impeding commerce. The cost of creating this security system is quite minimal. In fact, the estimated cost to scan a container is only \$6.50—a drop in the bucket given it costs about \$4,000 to ship a container from Asia to the United States.

All Congress needs to do is make 100 percent scanning the policy of the United States. And this legislation would do just that.

To protect the security of our Nation, Congress must act to implement this recommendation of the 9/11 Commission, and the others included in this legislation, to further secure our homeland.

Mr. Speaker, we continue to confront grave threats, and there is no greater priority than ensuring the safety of our country.

I urge my colleagues to support this vital legislation.

Mr. BACA. Mr. Speaker, I rise in support of this important legislation to make Americans safer.

One of the most important functions of government is to protect people.

On September 11, 2001, our Nation suffered the devastating terrorist attacks on the World Trade Center in New York and at the Pentagon. Thousands of people were killed, many were injured, and all of us were scarred.

We vowed to do whatever was necessary to protect our homeland. We owe it to the victims and their families. We owe it to all Americans.

And we are taking a big step to make Americans safer.

Congress is now following the recommendations made by the bipartisan commission formed to report on the 9/11 failures.

This Commission had both Republicans and Democrats, men and women who have served our country well. They worked hard to produce a report that would help us understand what needed to be done.

The 9/11 Commission issued 41 recommendations to the Administration and Congress that were designed to improve homeland security, prevent terrorists from acquiring weapons of mass destruction, and develop strategies for preventing the spread of Islamic terrorism.

Many of these recommendations have only been partially implemented. Others have been ignored.

For more than 5 years after the September 11 attacks, Republican leaders refused to take action on many of the recommendations essential to the security of the American people.

The 9/11 Commissioners have routinely given the Bush Administration and Congress failing grades on implementing the recommendations and taking actions to protect Americans.

So it is important that we pass this legislation.

This bill includes many provisions to improve homeland security, including steps to prevent terrorist attacks by speeding up the installation of explosive detection systems to monitor passengers and baggage at airports, requiring 100 percent inspection of air cargo over the next 3 years and 100 percent scanning of U.S.-bound shipping containers over the next 5 years.

These steps are especially important to the people I represent in the Inland Empire of California because our region is an important transportation route for cargo arriving in the United States at the ports of Long Beach and Los Angeles and at LAX airport.

We must make sure that dangerous weapons or chemicals or other hazardous material are not brought into our country and then traveling on highways or railroad tracks or stored in warehouses in the San Bernardino area.

With this legislation, we are also creating a grant program to help first responders have the equipment they need and make sure they can communicate with one another in an emergency.

These are just some of the important and necessary ways we are making Americans safer by passing this legislation.

I am proud to support H.R. 1 to implement the recommendations of the 9/11 Commission.

Mr. DINGELL. Mr. Speaker, on July 22, 2004, the 9/11 Commission released its final report on the 2001 terrorist attacks. That was 2½ years ago. Since that time, we have had two elections and two Congresses. Yet only today are we beginning to enact most of the recommendations of the 9/11 Commission.

This is a long and complicated bill that is far from perfect. The scope of the bill's language must be addressed before it is finalized into law. This is, however, an important step forward.

The inaction of the previous Congress and the current administration has left America vulnerable, with the American people questioning its leadership. Cargo remains largely unscreened. Not all first responders can communicate effectively. International alliances against terrorism are in shambles. Civil protections have been weakened. Any bill that attempts to hold the administration accountable for this state of affairs is indeed welcome.

The legislation calls for vulnerability assessments of our Nation's infrastructure and seeks to prioritize threats. It establishes grant programs involving the private sector and public safety officials, for communications, intelligence, and border protection, and encourages a common set of criteria for private sector preparedness efforts.

Some of these functions already occur within Federal agencies that regulate sectors of our economy, including energy, public health, telecommunications, information technology, drinking water, chemical and transportation systems, as well as other commercial facilities. We must ensure the bill will not result in wasteful or duplicative efforts that may cause further confusion, or compromise our national security.

H.R. 1 establishes a new grant program at DHS to improve communications among public safety organizations during emergencies. But true interoperability requires more than just spectrum and technology. Stepped-up coordination and planning among public safety personnel, accompanied by greater funding, are critical.

Congress directed the Department of Commerce to use its spectrum and communications expertise to administer a \$1 billion interoperable communications grant program, which is currently underway. Recognizing the value of such a grant program, this legislation now seeks to emulate this approach within DHS. I hope that doing so will properly focus DHS on ways to achieve widespread communications interoperability.

In addition, given the Government Accountability Office's cyber security concerns, I fully expect nothing in this bill will distract DHS or other Federal agencies from properly preparing for and reacting to cyber threats.

Additionally, my home State of Michigan has one of the busiest—and most peaceful—border crossings in the world. Businesses on both sides of the border are dependent on smooth and regular transit between the U.S. and Canada. We need to consider the costs to the economy of northern border States as we strike a balance between open borders and security.

In the weeks following 9/11, the delays at the Ambassador Bridge—Detroit's only crossing with Canada—cost Michigan billions and forced factories to suspend production. Hopefully this legislation can speed the technological enhancements and personnel expansion we desperately need.

I also appreciate the independence this legislation provides to the Privacy and Civil Liberties Oversight Board, whose membership will be confirmed by the Senate. This should go a long way toward ensuring that civil liberties of Americans are truly protected. Without independence, opportunities for chicanery will persist.

I look forward to working with my colleagues to improve upon this important first step. As this legislation moves into conference, members of the Committee on Energy and Commerce with extensive expertise on these matters including issues as diverse as nuclear energy, the reliability of our communications systems, and the safety of our food supply and drinking water, will enhance these policies for the betterment of the American people.

Mr. FOSSELLA. Mr. Speaker, at the outset let me just thank the majority for bringing this bill to the floor because I think that most Americans want Democrats and Republicans to work together to ensure that all America remains safe and secure and not to repeat another September 11.

And by and large there are some very good elements of the legislation, but let me right at the outset request that as we go forward there are some specific concerns that New York City has that I think need to be addressed. First is the issue that the city itself cannot apply directly for the interoperable communications grants, it must go through the State without any requirements that the State get the funds to the locality like New York City such as exists in the UASI process. We know by now that New York City has specific needs and therefore I believe this should be addressed.

The same would apply to what could be a duplicative process in relation to the new interoperability grant program under DHS speaking as someone who was involved with the establishment of the first interoperability grant program under the Department of Commerce where as we speak the NTIA is in the process of preparing guidelines. My concern is that we don't get in a situation where there are two different agencies getting into a bureaucratic trap which will prevent the flow of money.

Most importantly, however, is that we know that one size does not fit all and I speak specifically that under current law there could be, and I think will be a problem, with relation to section 3006 of Public Law 109–171. And that is, as much that over the last 10 years New York City has allocated a lot of money and in

the last 5 years since 9/11 almost a billion dollars to upgrade its interoperability capacity to allow firefighters and police officers to talk to each other. So now under current law we are essentially saying that everyone must use the 700 MHz in the spectrum. New York City cannot, like I said, they have allocated a billion dollars, in the 400 and the 800 megahertz spectrum. Why? Because they found out that it is easier to use that to communicate into subways, into high rise buildings. The last thing I think this Congress wants to be on the record for is to essentially tie the hands of New York City. Undo much of the good work that has taken place over the last 5 years and allow New York City and other localities that have unique and specific needs to continue to deploy and build on the networks that they have put in place. I think it would be a big mistake, I encourage the majority to consider using this legislation as a vehicle to clarify congressional intent in current law as the process goes forward. I make no mistake, I make no hesitation that not acting will hurt and punish New York City and the millions, tens of millions of people who come there to visit the greatest city in the world.

Ms. HOOLEY. Mr. Speaker, I rise today to support H.R. 1, Implementing the 9/11 Commission Recommendations Act of 2007. With this legislation we finally have a real opportunity to address the unfulfilled recommendations of the bipartisan 9/11 Commission on improving homeland security, preventing terrorists from acquiring WMD, and developing strategies for preventing the spread of Islamic terrorism.

While I support H.R. 1, there is one area of concern that I believe we could do more to improve and that involves security improvements to our ports and incoming containers. Certainly, screening containers is important but it isn't enough. We have to start with the basics.

The idea of screening 100 percent of all cargo containers is a formidable task that is expensive and extremely time consuming. I believe we should strive to meet these goals, however, this could take many years and cost billions of dollars before we achieve that objective. In the meantime, there are many inexpensive basic steps that we can take to make our ports and containers more secure. Tampering of containers in route to the United States is a genuine threat. Today, containers are only protected by a simple bolt seal. All it takes to defeat our current container security is bolt cutter. Fortunately better technology is available. For over 3 years, the Department of Homeland Security and Customs and Border Patrol have been developing a Container Security Device or a CSD.

The job of a CSD is simple. It attaches to the inside of a cargo container, protected from the elements and anybody who might want to remove or disable it. It monitors and records door openings—authorized and unauthorized. The CSD can then report those breaches to port or customs authorities. It sounds simple and it is simple. These devices are currently being used by the private sector—companies like Starbucks—to safeguard their shipments worldwide. But unbelievably, despite extensive evaluation by DHS, CBP and commercial entities, it still has not been deployed in even a pilot program in the supply chain.

Today, we don't know where a container has been, whether someone has opened the



doors or who actually stuffed it. CSD technology that is available today can provide critical security information. It is also important to note that the CSD program is available at little cost to the Federal Government and to shippers. At less than \$20 per shipment, we have a chance to make a real difference in port security. The administration should move to deploy CSD technology and do it as soon as possible.

Mr. KIND. Mr. Speaker, I rise today in support of H.R. 1, legislation to fully implement the remaining recommendations of the 9/11 Commission. I am pleased the new House leadership has made this one of the first major pieces of legislation debated in the 110th Congress.

In the 5 years since the appalling acts of September 11, our country has been fighting terrorism to protect America and our friends and allies. On July 22, 2004, the independent and bipartisan 9/11 Commission provided to Congress and the American public 41 recommendations to improve homeland security.

At the end of the 108th Congress, legislation was passed and signed into law that implemented some of the recommendations of the 9/11 Commission. I was disappointed that the bill did not implement all of the Commission's recommendations. That is why I am pleased to support the bill before us today which includes all of the remaining recommendations.

One of the most important subjects the bill addresses is how the U.S. Government interacts with the Arab and Muslim world. The United States must extend our preemptive strategy to include winning the hearts and minds in the developing world; I believe this can be achieved through education reform. H.R. 1 would significantly enhance the International Arab and Muslim Youth Opportunity Fund, which is designed to improve educational opportunities for these youth, by calling for greater funding and outlining specific purposes for the fund.

Education reform in the Arab and Muslim world is of great importance to me. In fact during the 109th Congress I introduced the Universal Education Act to reform education in the developing world. Despite strong evidence that education can make nations more prosperous, healthy, stable, and democratic, the total amount spent each year on foreign aid directed at education could not even build 20 American high schools. If one of our strategic goals is to defeat terrorism around the world, we need to drastically increase our foreign aid spending, and to help developing nations improve their education systems.

Additionally, the bill before us improves the capabilities of the Human Smuggling and Trafficking Center by authorizing additional funding and hiring intelligence analysts experienced in the fields of human trafficking and terrorist travel. Cutting off the ability for terrorist to leave their country of origin is a first good step to stopping another attack on U.S. soil.

Further, the legislation strengthens several Federal non-proliferation initiatives so that weapons of mass destruction, WMD, do not fall into the hands of terrorists. Moreover, H.R. 1 would enact the Nuclear Black Market Counter-Terrorism Act. This bill requires the President to impose sanctions on any foreign person who trades nuclear enrichment technology to a non-nuclear weapons state or provides items that contribute to the development

of a nuclear weapon by a non-nuclear weapons state or any foreign person. This action sends a clear message to would be terrorists that if they do attempt to arm themselves there will be serious consequences.

I praise the Commission for its excellent work, leadership, patriotism, and service to our country. We owe it to the families of the victims of 9/11 and to the citizens of our country to use the report's recommendations to make certain such attacks never happen again.

Again, I would like to congratulate and thank the House leadership for making one of the first tasks of the 110th Congress implementing the wise reforms suggested by the 9/11 Commission. I urge my colleagues to vote "yes" on H.R. 1.

Mr. CUMMINGS. Mr. Speaker, I rise today in strong support of H.R. 1.

I am deeply disappointed that it has taken more than 5 years since the terrible events of September 11, 2001, to implement the recommendations of the 9/11 Commission.

However, by making legislation implementing these recommendations the first measure brought to the floor, our Democratic leadership has affirmed what will be our unwavering commitment to homeland security throughout the 110th Congress.

I am also deeply heartened that this bill would exceed the 9/11 Commission's recommendations by finally requiring the examination of all shipping containers bound for the U.S.

Only a small percentage of the 11 million containers delivered during the more than 62,000 port calls made annually at U.S. ports is physically inspected upon arrival. It is therefore critical that all possible measures be taken to interdict containers that could pose a threat to our Nation's security before they ever set sail for our shores.

I urge the passage of H.R. 1 and I commend Speaker PELOSI, Leader HOYER, and Chairman THOMPSON for their dedication to port security.

Mr. BERMAN. Mr. Speaker, I rise in strong support of this long-overdue legislation to implement the recommendations of the 9/11 Commission.

The war on terror isn't just a military operation—it's also a battle to persuade people in Arab and Muslim countries that the universal values of freedom and democracy are far superior to radical ideologies that preach intolerance, hate and violence.

This bill includes several important provisions to help us succeed in that struggle.

Building on previous legislation, it establishes an enhanced International Arab and Muslim Youth Opportunity Fund to provide educational opportunities for young people.

The Fund will support teacher training, the development of modern curricula, and the translation of western publications to help ensure that students have alternatives to the radical Madrassas that nurtured the Taliban and al-Qaeda.

A related provision in the bill extends a program I authored with Mr. Knollenberg that provides scholarships for Arab and Muslim students to attend American-sponsored elementary and secondary schools in their home countries.

This can be a cost-effective means to ensure that needy students receive an American-style education and exposure to western ideas and values.

H.R. 1 also authorizes the designation of a Middle East Foundation to support democracy, human rights, civil society, independent media and the rule of law in countries throughout the greater Middle East.

Like the highly successful Asia Foundation, this non-profit, non-governmental institution will make it easier for the U.S. to support reform-minded organizations and individuals without arousing the suspicion and mistrust that often comes with direct government funding.

Consistent with the recommendation of the 9/11 Commission, this legislation also calls for a significant expansion of U.S. international broadcasting and other public diplomacy in Arab and Muslim countries, and provides new authority that will allow the Broadcasting Board of Governors to respond quickly to a crisis overseas.

As Congress takes these steps to improve our international broadcasting capabilities, I hope the President will appoint a new Chairman of the BBG to enhance the credibility and effectiveness of that important organization.

Finally, this bill also contains some very important provisions to combat the proliferation of weapons of mass destruction.

It repeals unnecessary restrictions on the Nunn-Lugar Cooperative Threat Reduction program, strengthens the Global Threat Reduction Initiative, and establishes a U.S. Coordinator for the Prevention of WMD Proliferation and Terrorism.

I urge all of my colleagues to vote "aye" on this important legislation.

Mr. BLUMENAUER. Mr. Speaker, I could not be more pleased that we start the hundred legislative hours dealing with the implementation of 9/11 commission recommendations.

On the first somber anniversary of 9/11, I asked myself whether we had done all we could have as a Congress to make America safe. Sadly I did not think so and my feelings were vindicated when the bipartisan independent 9/11 commission later reported that much more was left to be done. That was as unacceptable then as it is now.

The American public expects and deserves better. By moving forward with these recommendations today, we are keeping faith with that commitment and making long overdue progress. I understand that this is the beginning of that commitment rather than the end. There are other things that I would do much more quickly including giving the American public the budget numbers so they can begin to evaluate our stewardship, but I understand that these will take more time.

We are striking a balance between rapid action, broader consensus and bipartisan engagement. Today we're dealing with the lowest hanging fruit and setting the stage for more progress. I look forward to the committees' of jurisdiction in the House stepping up their efforts, and to the Senate joining us in what I hope will be a steady stream of further reform. Until that happens, launching the grant program for interoperability among first responders refocusing investments based on risks and not political power and providing a platform for the legislative leadership to coordinate in these critical oversight areas are very important first steps.

We'll continue to work for further streamlining the congressional intelligence and security oversight, but I am delighted that this will be done in an open legislative platform and

moving away from the backroom dealing that has shut out the minority.

This represents an important and long overdue step forward.

Mr. LEVIN. Mr. Speaker, I rise in strong support of H.R. 1, which provides for the implementation of remaining recommendations by the bipartisan 9/11 Commission.

Implementation of the 9/11 Commission's recommendations is long overdue. In 2004, the 9/11 Commission submitted 41 recommendations to the Bush Administration and Congress to fill critical gaps in our nation's homeland security. More than two years later, many of these recommendations have only been partially implemented and others not at all. Troubling gaps in our homeland security still exist. As the Co-Chairmen of the Commission stated last August, "we are not as safe as we should be."

As just one example, the 9/11 Commission found that the inability of first responders to communicate with each other and their commanders resulted in a loss of life after the planes hit the World Trade Center towers five years ago. In an emergency situation, first responders in a unit—and across departments—must be able to talk to each other. In response, one of the Commission's recommendations stated that establishing and funding interoperable communications for first responders had to be given a high priority. This hasn't happened; indeed, after Hurricane Katrina slammed into New Orleans last year, the communications network in that city simply collapsed.

Securing funding for interoperable radios is the number one homeland security priority for my district, but the high cost of establishing the required infrastructure and acquiring the necessary equipment has greatly slowed this vital effort. For smaller communities, the tens of thousands of dollars needed to upgrade their systems is simply too great. The stand-alone interoperability grant program included in this legislation is a great step forward, and I look forward to working to secure appropriations for this critical effort in the future.

The Commission also criticized the current funding system for federal first responder funding—which guarantees States a large portion of baseline funding with some additional funding distributed on the basis of population—arguing that homeland security assistance should be based "strictly on an assessment of risks and vulnerabilities."

One result of the current funding formula is that States at low risk of terrorist attack receive far more money per capita than states at much higher risk from terrorism. For example, under the current formula, Wyoming received \$18.06 per capita in Department of Homeland Security grants in 2006 while Michigan, whose border crossings are the busiest on the northern border and conduct about \$450 million in trade every day, received \$5.13 per capita.

The legislation before the House significantly increases that share of state homeland security grants provided on the basis of risk. Under the bill, most States would be guaranteed a minimum of 0.25 percent of Homeland Security grant money, down from 0.75 percent. Eighteen states that have international borders, including Michigan, would get a higher guaranteed amount of 0.45 percent of the total. The rest of the money would be distributed based on the Homeland Security Department's assessment of risk and need. I agree

with this approach. We must focus our resources on high-threat areas where the risk from terrorist attack are greatest.

The most basic job of government is to be ready to respond in the event of a disaster, whether natural or man-made. We can't afford another response like the one following Hurricane Katrina. I urge all my colleagues to join me in voting for this important legislation.

Mr. COSTELLO. Mr. Speaker, I rise in support of H.R. 1, the 9/11 Commission Fulfillment Act of 2007. Specifically, I strongly support the provision in this bill that creates a new Checkpoint Screening Security Fund, with \$250 million in dedicated funding for explosive detection technology at airport checkpoints. This provision is derived from H.R. 1818, the Airport Screener Technology Improvement Act of 2005, which Chairman OBERSTAR and I introduced last Congress.

Mr. Speaker, the single greatest security threat to aviation today is the suicide-bomber as evidenced by the 9/11 Commission specifically recommending that the Transportation Security Administration (TSA) and Congress "give priority attention to improving the ability of screening checkpoints to detect explosives on passengers."

Several months later, the Department of Homeland Security Inspector General (IG) reported that airport screeners were still having serious problems detecting threat items at checkpoints because they lacked the technology. Specifically, the IG found that:

"Despite the fact that the majority of screeners . . . were diligent in the performance of their duties . . . lack of improvement since our last audit indicates that significant improvement in performance may not be possible without greater use of technology . . . We encourage TSA to expedite its testing programs and give priority to technologies, such as backscatter x-ray, that will enable the screening workforce to better detect both weapons and explosives."

In response to the IG's findings, the TSA concurred.

In September 2005, the 9/11 Commission reiterated its recommendation to strengthen passenger security screening declaring that "minimal progress" had been made. The Commission urged Congress to:

" . . . provide the funding for, and TSA needs to move as expeditiously as possible with, the installation of explosives detection trace—portals at more of the nation's 441 commercial airports, while both continue to support the development of more advanced screening technology."

Mr. Speaker, the recommendations, findings and statements of the DHS IG, TSA, and the 9/11 Commission all suggest that technology is sorely needed to improve security at our airports. But, limited funding has prevented the wide-scale deployment of these technologies.

We know what needs to be done to improve screener performance, and we must take action now. If a U.S. airliner is destroyed by a suicide-bomber it will not be regarded as a "failure of imagination"—it will be regarded simply as a failure of funding and a failure of political will to provide the resources that might have prevented it.

Mr. Speaker, I am extremely pleased that H.R. 1 provides dedicated funding to improve airport security checkpoints and I ask my colleagues to vote yes on this bill so we can work to deploy technologies that will help our screeners do their jobs and keep the American traveling public safe.

Mr. HASTERT. Mr. Speaker, our Government has no greater responsibility to the American people than national security. It is one of the few prescribed duties specifically outlined in both the preamble and body of the United States Constitution.

It has been over 5 years since the terrorist attacks of September 11 and America is safer and much more alert to the dangers that lurk in our world. Since 9/11, our military and our intelligence services have thwarted dozens of attacks. Their efforts have saved countless lives. These successes were possible because of the tools we armed them with through the passage of laws on the floor of this House.

Mere days after September 11, Republicans responded by approving the USA PATRIOT Act to address the ways in which American law enforcement agencies can combat terrorism. By making necessary changes such as modernizing wiretapping laws and allowing more information sharing between law enforcement agencies, we increased the likelihood of catching terrorists and punishing them accordingly. This law, which we recently reauthorized, has enabled the Federal Government to effectively deter and punish terrorist acts in the U.S. and around the world.

Following the release of the 9/11 Commission's report and recommendations. Members of the House and Senate met to discuss these issues. At times, our views differed significantly regarding the changes we believed were necessary, but, in the end, we were able to find common ground on many of these issues and did what was right for America.

This culminated in the passage of the Intelligence Reform and Terrorism Prevention Act. This legislation provided the largest overhaul in the structure of the U.S. intelligence community since the creation of the CIA and incorporated most of the recommendations offered by the 9/11 Commission. Furthermore, this legislation allowed the intelligence community to focus its efforts on 21st century threats and was a tremendous step to further protecting the safety of the American people.

As we learned, access to timely and accurate information is critical to defeating terrorists and protecting our Nation from other threats. As such, the bill created the Office of the National Intelligence Director who acts as the unifying central point bringing together U.S. intelligence efforts. In addition, the bill addressed the loop-holes that existed in our national security structure by making improvements to law enforcement, defense intelligence, emergency preparedness, and border and aviation security.

The Intelligence Reform Act also addressed the issue of communications interoperability for first responders. The act required the Secretary of Homeland Security to establish a national strategy for public safety interoperability communications, and required the Secretary to establish two pilot projects to serve as national models. In addition, we passed subsequent legislation to establish an Office of Emergency Communications within the Department of Homeland Security.

Furthermore, we included provisions in the Deficit Reduction Act to plan for the release of radio frequency spectrum, and create a fund to receive spectrum auction proceeds. Among other things, the fund establishes a grant program of up to \$1 billion for public safety agencies to deploy interoperable systems.

Nonetheless, we still had important border security and immigration provisions to be addressed. To that end, the House passed the REAL ID Act of 2005. A key 9/11 Commission recommendation, the REAL ID Act federalizes and standardizes the requirements for applying and issuing State identification cards. According to the 9/11 Commission, the 19 hijackers responsible for the 9/11 terrorist attacks carried between them 13 valid drivers' licenses and 21 State-issued ID cards. The Commission recommended Congress establish Federal standards for sources of identification in order to target terrorist travel and better prevent another terrorist attack on American soil. This legislation addressed that.

And that's not all—over the past 5 years, this House has passed legislation to address maritime and port security, aviation security, and research and development of biomedical countermeasures to potential biological attacks.

As President John F. Kennedy once said, "In the long history of the world, only a few generations have been granted the role of defending freedom in its hour of maximum danger." This is a responsibility we have never shied away from. America must continue to be vigilant and prepared for terrorist threats and attacks. And we will continue to work together to that end.

Mr. ORTIZ. Mr. Speaker, I rise in support of the long-awaited legislation this nation has desperately needed since the 9/11 attacks on our democracy . . . yet which was pushed to the back burner by the previous Congress.

I'm proud that—within the first 100 legislative hours of this Congress—we are considering this bill to make our Nation safer by implementing the 9/11 Commission's recommendations left out of the Intelligence Reform bill in 2004. The bill also goes beyond the Commission's recommendations by requiring, within five years, 100 percent scanning of U.S.-bound shipping containers.

I represent two major ports in South Texas—the Port of Brownsville and the Port of Corpus Christi, which also has a strategic sea-lift command—and the array of possibilities for terrorists to access our Nation through shipping containers is amazing and horrifying.

Implementing the Commission's recommendations will make us safer by enhancing homeland security, strengthening efforts to stop the proliferation of WMD, and promoting strategies to reduce the appeal of extremism, particularly in Muslim parts of the world.

Today, we are—at long last—making a number of substantial improvements to homeland security, including: distributing homeland security grants on the basis of risk alone; creating a stand-alone grant program for inter-operable communications for first responders; requiring a 100 percent inspection of air cargo over the next 3 years; accelerating the installation of explosive detection systems for checked baggage; and mandating a strategic plan to deploy explosive detection equipment at passenger checkpoints.

Today's bill also offers provisions to prevent terrorists from acquiring WMD by creating a U.S. Coordinator for the Prevention of WMD Proliferation and Terrorism and a blue-ribbon commission to recommend further reforms. We also strengthen efforts to eliminate nuclear black-market networks, easily the greatest danger to the civilized nations of the world.

Through this bill we offer strategies to reduce the appeal of extremism by providing as-

sistance for expanding modern educational programs for Arab and other Muslim youth around the world, as well as promoting economic opportunities, education reform, human rights, and democratic processes in the countries of the Middle East.

This is a good day for this nation . . . and when the president signs this bill into law, we will be a safer nation.

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to take the opportunity to make reference to the fact that H.R. 1 includes provisions in which the Judiciary Committee has a jurisdictional interest. Specifically, I am speaking of provisions that touch on the following aspects of the bill: the Human Smuggling and Trafficking Center, the Fusion and Law Enforcement Education and Teaming Grant Program, the Privacy and Civil Liberties Oversight Board, the Federal Advisory Committee Act, and the treatment of detainees.

I appreciate the assistance of my colleague from Michigan, Mr. CONYERS, in assuring the expedited consideration of this important legislation on the House floor, given his Committee's jurisdictional interest in the legislation. While it is important to note that I do not control the entire process, as there are other House Committees involved and the Senate will likely have its own positions on a variety of these issues, I am glad to work with the gentleman from Michigan and other Members of the Judiciary Committee as this legislation moves forward.

Mr. MCNERNEY. Mr. Speaker, the terrorist attacks of September 11, 2001 remain a dark day in our Nation's history, but the tragedy of 9/11 rallied Americans to the aid of their fellow citizens and showed the world our resilience.

Throughout the country, patriotic Americans responded to the attacks by volunteering to serve their country in the armed forces, and I am proud to count my son among those who signed up.

Since 9/11 we've known that we need to do more to expand security measures nationwide. The legislation we will be voting on today takes us a few steps closer to protecting Americans here at home by increasing security at our nation's ports and airports, improving communication, and providing funding for our first responders.

The 9/11 Commission created the blueprint for increasing security some time ago, and I'm pleased today that we are implementing these critical security recommendations to make America more safe.

I commend the House for taking up this legislation today, and I urge all of my colleagues to support its adoption.

Mr. SIRE. Mr. Speaker, I rise today in support of H.R. 1. My district in Northern New Jersey was greatly impacted by the terrorist attacks on September 11, 2001. It has been over 5 years since that terrible day and we are still mourning for those who were lost. I can think of no better way to honor the memories of those who were lost and to honor those who were injured than to pass H.R. 1 today.

Two and half years ago the bipartisan 9/11 Commission released their report and submitted 41 recommendations to Congress. As of today, many of those recommendations have not been implemented and therefore we have not done everything we can to help secure our nation.

One of the most important recommendations is to change the distribution of homeland

security funding for high risk States and regions. My district has been named one of the areas in the country that is most susceptible to terrorist attacks. The risk that we live with every day should warrant more federal funding in order to help ensure security. The cities and towns in my district need to know that they can count on funding for overtime, equipment, and all of the other demands that are put on our communities due to these threats.

Mr. Speaker, this bill is long overdue. I strongly support H.R. 1 and I urge all of my colleagues to support this legislation.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MURTHA). Pursuant to section 507 of House Resolution 6, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MS. ROS-LEHTINEN

Ms. ROS-LEHTINEN. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. ROS-LEHTINEN. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Ros-Lentinen moves to recommit the bill H.R. 1 to the Committee on Foreign Affairs with instructions to report the same back to the House forthwith with the following amendments:

Page 191, after line 22, insert the following: (a) STATEMENT OF POLICY.—The following shall be the policies of the United States:

(1) The responsibility for ensuring the security of the American people rests exclusively with the Government of the United States and may not be delegated in whole or in part to any international organization, agency, or tribunal or to the government of any other country.

(2) The freedom of the Government of the United States to act as it deems appropriate to ensure the security of the American people may not be limited by, or made dependent upon, the act or lack thereof, by any international organization, agency, or tribunal or by the government of any other country.

(3) The U.S. Constitution is the supreme law of the land and cannot be subordinated to, or superseded by, any act, or lack thereof, by any international organization, agency, or tribunal or by the government of any other country.

(4) In carrying out its responsibility for ensuring the security of the American people, the Government of the United States has sought and should continue to seek to enlist the cooperation and support of international organizations, agencies, and tribunals, including the United Nations and its affiliated organizations and agencies, as well as the governments of other countries; but no act taken by the Government of the United States regarding its responsibility to ensure the security of the American people may be deemed to require authorization, permission, or approval by any international organization, agency, or tribunal or by the government of any other country.

Page 191, line 23, redesignate subsection (a) as subsection (b).

Page 192, strike lines 10 through 12.

Page 192, line 13, redesignate paragraph (3) as paragraph (2).

Page 192, line 15, redesignate paragraph (4) as paragraph (3).

Page 193, strike lines 6 through 9.

Page 193, line 10, redesignate subsection (b) as subsection (c).

Page 193, line 14, redesignate subsection (c) as subsection (d).

Page 193, lines 23 to 24, strike "paragraph (4) of subsection (a)" and insert "paragraph (3) of subsection (b)".

Page 194, lines 2 to 3, strike "paragraphs (1), (2), (3), and (5) of subsection (a)" and insert "paragraphs (1) and (2) of subsection (b)".

Page 194, line 4, redesignate subsection (d) as subsection (e).

Page 194, line 9, strike "(a)" and insert "(b)".

Mr. THOMPSON of Mississippi (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Ms. ROS-LEHTINEN. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk continued to read the motion to recommit.

The SPEAKER pro tempore. The gentlewoman from Florida is recognized for 5 minutes in support of her motion to recommit.

Ms. ROS-LEHTINEN. Mr. Speaker, since its creation by this administration in the year 2002, the Proliferation Security Initiative, known as PSI, has quickly become one of this country's most valuable tools in helping to stop spread the weapons of mass destruction and preventing them falling into the hands of terrorist countries.

Our PSI partners, working at times with others, have stopped the transshipment of materials and equipment that have been bound for Iran's ballistic missiles programs and also has prevented Iran from procuring goods to support its WMD programs, including its nuclear program. Again, it was PSI cooperation between the United States, Britain and other European partners that began the demise of the Dr. A.Q. Khan network, an action that also contributed to the decision of the Libyan Government to stop and abandon its nuclear weapons and longer-range missile program.

However, despite this extraordinary record of success, some of our Democratic colleagues tell us, as noted in the Dear Colleague that they have circulated today, that securing United Nations authorization under international law would persuade countries that are not currently cooperating with us in the United States to prevent this illicit trade in items of proliferation concern to somehow cooperate with us.

They dismissed a coalition of the willing, on which the PSI is based as an ad hoc assembly. But the PSI has been

a success precisely because it is a coalition of the willing.

Countries that might wish to slow or limit its activities have no means of doing so. The fact is that no country that genuinely wishes to cooperate with the United States, another PSI participant, is prevented from doing so. The idea that there is a need for the United Nations to provide legitimacy to the PSI under international law to permit countries to cooperate is nonsense.

I do not share the sentiments of my Democratic colleagues who have the surprising faith in the United Nations' desire to advance the interests of the United States. Whether it is Iran, Syria, terrorism, Middle East peace, the U.N. is rarely a help and more often than not a hindrance to the advancement of the goals of the United States. Rather, the desire for consensus, an agreement for agreement's sake, as a result, is a race to the bottom.

We have seen this with the so-called Human Rights Council, Mr. Speaker. If we allow the section cited in the motion to remain in the bill, a similar result is likely to happen with PSI. Some of my Democratic colleagues appear to regard U.N. authorization under international law as something upon which U.S. action must be predicated, that it is a higher authority to which we must turn in order to secure authorization for all our actions, a permission which may be granted or held as the U.N. sees fit.

We must reject that interpretation. I am certain that many of our constituents do reject it. What troubles me most are statements that begin with the phrase "international law does not allow."

□ 1845

We on this side of the aisle do not believe that international law controls what the U.S. can and cannot do, what it must do to protect the interests of the American people. That is why I have included language in this motion to recommit stating that simple truth.

Mr. Speaker, I would like to yield the remaining time to Mr. WOLF of Virginia, a man who understands the failures of the United Nations. And I strongly urge my colleagues to vote for this restatement of the fundamental principle upon which our Constitution and the foreign policy of our country is based.

Mr. WOLF. Why would you give the United Nations any impact when, in Rwanda, 700,000 people died, and the U.N. did nothing? In Srebrenica, the U.N. stood by as 700 Muslims were led to their death by the Serbs. In Darfur, where I have been, I led the first delegation, 450,000 people have died, and this House has called it genocide, and genocide continues today.

Why would you give the U.N. any authority when it couldn't stop genocide in Darfur, genocide in Srebrenica, and genocide in Darfur today? I strongly support the amendment.

Mr. LANTOS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. LANTOS. Let me first say, I strongly agree with my good friend from Virginia in opposing genocide. Genocide has nothing to do with this legislation. Let's make that clear.

Mr. Speaker, my friends on the other side are misrepresenting provisions in H.R. 1 that strengthen and reform the Proliferation Security Initiative. They are attempting to exhume an old tactic: Scare the American people with the specter of the all-powerful, irresistible military machine that is the United Nations.

Of course, Mr. Speaker, this characterization is as absurd as ever and has about as much substance as Shakespeare's Banquo's Ghost. But it is part and parcel of the irrational opposition to all things multilateral even when multilateral and international institutions clearly benefit American interests.

In fact, Mr. Speaker, our bill seeks to use international law to our benefit. Our bill seeks to broaden the Proliferation Security Initiative's authorities under international law to help us convince more nations to support U.S. efforts to stop and prevent the illicit trade in dangerous items of proliferation concern. It does not relinquish any responsibility to the United Nations.

Current international law gives no basis for partners in the Proliferation Security Initiative to intercept shipments related to weapons of mass destruction. One cannot overcome this weakness by ad hoc assemblages of coalitions of the willing.

Even the White House has admitted that international law is weak in this regard and needs to be strengthened.

Mr. Speaker, the motion to recommit would in fact weaken U.S. counter proliferation efforts by undermining effective action at the United Nations to increase Proliferation Security Initiative's global legitimacy and authority.

Mr. Speaker, we will never allow any other government or international organization to control what actions we take to safeguard U.S. national security, but we will use international tools that are available to us in the real world to protect America regardless of the purely ideological preferences of some on the other side.

Mr. Speaker, I urge my colleagues to oppose the motion to recommit, and yield the balance of the time to my good friend from Missouri, the distinguished chairman of the committee on Armed Services, IKE SKELTON.

Mr. SKELTON. Mr. Speaker, as a fellow says back home: You can have your own opinion, but you can't have your own facts. As I said to my friend the gentlewoman from Florida a few moments ago: Read the language. It is not what folks on the other side are saying it is.

The Proliferation Security Initiative, as established by the President in 2003,

is among the newer elements of our many efforts to stop proliferation of weapons of mass destruction. The PSI is all about the interdiction of weapons of mass destruction and materials, and supports American and international security interests. It is a voluntary agreement that we propose, but we have actively encouraged other nations to participate.

It is really pretty simple: It is in American interests to stop ships carrying weapons of mass destruction. It is in our own security interests, if not other countries', to join this effort and take on more of this critical work. The oceans of this earth are vast, and sometimes we are not closest to the ship that must be stopped. We need states all over the world willing to step in.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Ms. ROS-LEHTINEN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage of the bill.

The vote was taken by electronic device, and there were—ayes 198, noes 230, not voting 7, as follows:

#### [Roll No. 14]

##### AYES—198

Aderholt	Davis, David	Hoekstra
Akin	Davis, Jo Ann	Hulshof
Alexander	Davis, Tom	Hunter
Bachmann	Deal (GA)	Inglis (SC)
Bachus	Dent	Issa
Baker	Diaz-Balart, L.	Jindal
Barrett (SC)	Diaz-Balart, M.	Johnson (IL)
Bartlett (MD)	Doolittle	Johnson, Sam
Barton (TX)	Drake	Jones (NC)
Biggert	Dreier	Jordan
Bilbray	Duncan	Keller
Bilirakis	Ehlers	King (IA)
Bishop (UT)	Emerson	King (NY)
Blackburn	English (PA)	Kingston
Blunt	Everett	Kirk
Boehner	Fallin	Kline (MN)
Bonner	Feeney	Kuhl (NY)
Bono	Ferguson	LaHood
Boozman	Flake	Lamborn
Boustany	Forbes	Latham
Brady (TX)	Fortenberry	LaTourette
Brown (SC)	Fossella	Lewis (CA)
Brown-Waite,	Foxx	Lewis (KY)
Ginny	Franks (AZ)	Linder
Buchanan	Frelinghuysen	LoBiondo
Burgess	Galleghy	Lucas
Burton (IN)	Garrett (NJ)	Lungren, Daniel
Calvert	Gerlach	E.
Camp (MI)	Gilchrest	Mack
Campbell (CA)	Gingrey	Manzullo
Cannon	Gohmert	Marshall
Cantor	Goode	McCarthy (CA)
Capito	Goodlatte	McCaul (TX)
Carter	Granger	McCotter
Castle	Graves	McCrery
Chabot	Hall (TX)	McHenry
Coble	Hastert	McHugh
Cole (OK)	Hastings (WA)	McKeon
Conaway	Hayes	McMorris
Crenshaw	Heller	Rodgers
Cubin	Hensarling	Mica
Culberson	Herger	Miller (FL)
Davis (KY)	Hobson	Miller (MI)

Miller, Gary	Renzi
Murphy, Tim	Reynolds
Musgrave	Rogers (AL)
Myrick	Rogers (KY)
Neugebauer	Rogers (MI)
Nunes	Rohrabacher
Paul	Ros-Lehtinen
Pearce	Roskam
Pence	Royce
Peterson (PA)	Ryan (WI)
Petri	Sali
Pickering	Saxton
Pitts	Schmidt
Platts	Sensenbrenner
Poe	Sessions
Porter	Shadegg
Price (GA)	Shays
Pryce (OH)	Shimkus
Putnam	Shuster
Radanovich	Simpson
Ramstad	Smith (NE)
Regula	Smith (NJ)
Rehberg	Smith (TX)
Reichert	Souder

#### NOES—230

Abercrombie	Giffords	Millender-
Ackerman	Gillibrand	McDonald
Allen	Gonzalez	Miller (NC)
Altmire	Gordon	Miller, George
Andrews	Green, Al	Mitchell
Arcuri	Green, Gene	Mollohan
Baca	Grijalva	Moore (KS)
Baird	Gutierrez	Moore (WI)
Baldwin	Hall (NY)	Moran (VA)
Barrow	Hare	Murphy (CT)
Bean	Harman	Murphy, Patrick
Becerra	Hastings (FL)	Murtha
Berkley	Herseth	Nadler
Berman	Higgins	Napolitano
Berry	Hill	Neal (MA)
Bishop (GA)	Hinchev	Oberstar
Bishop (NY)	Hinojosa	Obey
Blumenauer	Hirono	Olver
Boren	Hodes	Pallone
Boswell	Holden	Pascrell
Boucher	Holt	Pastor
Boyd (FL)	Honda	Payne
Boyd (KS)	Hooley	Pelosi
Brady (PA)	Hoyer	Perlmutter
Braley (IA)	Inslie	Peterson (MN)
Brown, Corrine	Israel	Pomeroy
Butterfield	Jackson (IL)	Price (NC)
Capps	Jackson-Lee	Rahall
Capuano	(TX)	Rangel
Cardoza	Jefferson	Reyes
Carnahan	Johnson (GA)	Rodriguez
Carney	Johnson, E. B.	Ross
Carson	Jones (OH)	Rothman
Castor	Kagen	Roybal-Allard
Chandler	Kanjorski	Ruppersberger
Clarke	Kaptur	Rush
Clay	Kennedy	Ryan (OH)
Cleaver	Kildee	Salazar
Clyburn	Kilpatrick	Sanchez, Linda
Cohen	Kind	T.
Conyers	Klein (FL)	Sanchez, Loretta
Cooper	Kucinich	Sarbanes
Costa	Lampson	Schakowsky
Costello	Langevin	Schiff
Courtney	Lantos	Schwartz
Cramer	Larsen (WA)	Scott (GA)
Crowley	Larson (CT)	Scott (VA)
Cuellar	Lee	Serrano
Cummings	Levin	Sestak
Davis (AL)	Lewis (GA)	Shea-Porter
Davis (CA)	Lipinski	Sherman
Davis (IL)	Loeb sack	Shuler
Davis, Lincoln	Loftgren, Zoe	Sires
DeFazio	Lowe	Skelton
DeGette	Lynch	Slaughter
Delahunt	Mahoney (FL)	Smith (WA)
DeLauro	Maloney (NY)	Snyder
Dicks	Markey	Solis
Dingell	Matheson	Space
Doggett	Matsui	Spratt
Donnelly	McCarthy (NY)	Stark
Doyle	McCollum (MN)	Stupak
Edwards	McCotter	Sutton
Ellison	McGovern	Tanner
Ellsworth	McIntyre	Tauscher
Emanuel	McNerney	Thompson (CA)
Engel	McNulty	Thompson (MS)
Eshoo	Meehan	Tierney
Etheridge	Meek (FL)	Towns
Farr	Meeks (NY)	Udall (CO)
Fattah	Melancon	Udall (NM)
Filner	Michaud	Van Hollen
Frank (MA)		Velázquez

Visclosky	Watt	Woolsey
Walz (MN)	Waxman	Wu
Wasserman	Weiner	Wynn
Schultz	Welch (VT)	Yarmuth
Waters	Wexler	
Watson	Wilson (OH)	

#### NOT VOTING—7

Buyer	Marchant	Ortiz
Gillmor	Moran (KS)	
Knollenberg	Norwood	

□ 1909

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. MARSHALL. Mr. Speaker, during rollcall vote No. 14 on H.R. 1, I mistakenly recorded my vote as "yes" when I should have voted "no."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

#### RECORDED VOTE

Mr. LANTOS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 299, noes 128, not voting 8, as follows:

#### [Roll No. 15]

##### AYES—299

Abercrombie	Costa	Harman
Ackerman	Costello	Hastings (FL)
Alexander	Courtney	Hastings (WA)
Allen	Cramer	Hayes
Altmire	Crowley	Heller
Andrews	Cuellar	Herseth
Arcuri	Cummings	Higgins
Baca	Davis (AL)	Hill
Baird	Davis (CA)	Hinchev
Baldwin	Davis (IL)	Hinojosa
Barrow	Davis, Lincoln	Hirono
Bean	DeFazio	Hobson
Becerra	DeGette	Hodes
Berkley	Delahunt	Holden
Berman	DeLauro	Holt
Berry	Dent	Honda
Bilirakis	Diaz-Balart, L.	Hooley
Bishop (GA)	Diaz-Balart, M.	Hoyer
Bishop (NY)	Dicks	Hulshof
Blumenauer	Dingell	Inslie
Bono	Doggett	Israel
Boren	Donnelly	Jackson (IL)
Boswell	Doolittle	Jackson-Lee
Boucher	Doyle	(TX)
Boyd (FL)	Edwards	Jefferson
Boyd (KS)	Ellison	Jindal
Brady (PA)	Ellsworth	Johnson (GA)
Braley (IA)	Emanuel	Johnson (IL)
Brown, Corrine	Engel	Johnson, E. B.
Brown-Waite,	Eshoo	Jones (NC)
Ginny	Etheridge	Jones (OH)
Buchanan	Farr	Kagen
Butterfield	Fattah	Kanjorski
Camp (MI)	Ferguson	Kaptur
Capito	Filner	Keller
Capps	Fortenberry	Kennedy
Capuano	Fossella	Kildee
Cardoza	Frank (MA)	Kilpatrick
Carnahan	Frelinghuysen	Kind
Carney	Galleghy	King (NY)
Carson	Gerlach	Kirk
Carter	Giffords	Klein (FL)
Castle	Gillibrand	Kucinich
Castor	Gonzalez	Kuhl (NY)
Chabot	Gordon	LaHood
Chandler	Granger	Lampson
Clarke	Green, Al	Langevin
Clay	Green, Gene	Lantos
Cleaver	Grijalva	Larsen (WA)
Clyburn	Gutierrez	Larson (CT)
Cohen	Hall (NY)	LaTourette
Conyers	Hall (TX)	Lee
Cooper	Hare	Levin

Lewis (GA)  
Lipinski  
LoBlundo  
Loebach  
Lofgren, Zoe  
Lowey  
Lynch  
Mack  
Mahoney (FL)  
Maloney (NY)  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy (NY)  
McCaul (TX)  
McCollum (MN)  
McCotter  
McCrery  
McDermott  
McGovern  
McHugh  
McIntyre  
McMorris  
Rodgers  
McNerney  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Millender-  
McDonald  
Miller (MI)  
Miller (NC)  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Murphy (CT)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Oberstar

## NOES—128

Aderholt  
Akin  
Bachmann  
Bachus  
Baker  
Barrett (SC)  
Bartlett (MD)  
Barton (TX)  
Biggart  
Billbray  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Boozman  
Boustany  
Brady (TX)  
Brown (SC)  
Burgess  
Burton (IN)  
Calvert  
Campbell (CA)  
Cannon  
Cantor  
Coble  
Cole (OK)  
Conaway  
Crenshaw  
Cubin  
Culberson  
Davis (KY)  
Davis, David  
Davis, Jo Ann  
Davis, Tom  
Deal (GA)  
Drake  
Dreier  
Duncan  
Ehlers  
Emerson  
English (PA)  
Everett

## NOT VOTING—8

Buyer  
Gillmor  
Knollenberg

Obey  
Oliver  
Pallone  
Pascrell  
Pastor  
Payne  
Pelosi  
Perlmutter  
Peterson (MN)  
Platts  
Pomeroy  
Porter  
Price (NC)  
Pryce (OH)  
Rahall  
Ramstad  
Rangel  
Regula  
Reichert  
Reyes  
Rodriguez  
Rogers (AL)  
Rogers (MI)  
Ros-Lehtinen  
Roskam  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schmidt  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shays  
Shea-Porter  
Sherman  
Shimkus

Shuler  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Solis  
Space  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Tauscher  
Taylor  
Thompson (CA)  
Thompson (MS)  
Tiberi  
Tierney  
Towns  
Turner  
Udall (CO)  
Udall (NM)  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden (OR)  
Walsh (NY)  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch (VT)  
Weller  
Wexler  
Wilson (OH)  
Woolsey  
Wu  
Wynn  
Yarmuth

□ 1917

Mr. CARDOZA changed his vote from “no” to “aye.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MORAN of Virginia. Madam Speaker, on rollcall No. 15, I missed the rollcall vote inadvertently. Had I been present, I would have voted “yea.”

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore (Mr. ELLISON). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

MOURNING THE PASSING OF  
PRESIDENT GERALD RUDOLPH  
FORD

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 15) mourning the passing of President Gerald Rudolph Ford and celebrating his leadership and service to the people of the United States, as amended.

The Clerk read as follows:

## H. RES. 15

Whereas all American Presidents affect the history of the United States, but President Gerald Rudolph Ford leaves a legacy of leadership and service that will endure for years to come;

Whereas millions of men and women across America mourn the death of the 38th President of the United States;

Whereas Gerald R. Ford is the only person from the State of Michigan to have served as President of the United States;

Whereas Gerald R. Ford graduated from the University of Michigan with academic and athletic excellence;

Whereas Gerald R. Ford attended Yale University Law School and graduated in the top 25 percent of his class while also working as a football coach;

Whereas Gerald R. Ford joined the United States Navy Reserves in 1942 and served valiantly on the U.S.S. Monterrey in the Philippines during World War II;

Whereas the U.S.S. Monterrey earned 10 battle stars, awarded for participation in battle while Gerald R. Ford served on the ship;

Whereas Gerald R. Ford was released to inactive duty in 1946 with the rank of Lieutenant Commander;

Whereas in 1948, Gerald R. Ford was elected to the House of Representatives, where he served with integrity for 25 years;

Whereas Gerald R. Ford's contributions to the foreign operations and defense subcommittees of the Committee on Appropriations earned him a reputation as a “congressman's congressman”;

Whereas in 1963, President Lyndon Johnson appointed Gerald R. Ford to the Warren Commission investigating the assassination of President John F. Kennedy;

Whereas from 1965 to 1973, Gerald R. Ford served as minority leader of the House of Representatives;

Whereas from 1974 to 1976, Gerald R. Ford served as the 38th President of the United States, taking office at a dark hour in the history of the United States and returning the faith of the people of the United States in the Presidency through his wisdom, courage, and integrity;

Whereas the Presidency of Gerald R. Ford is remembered for restoring trust and openness to the Presidency;

Whereas President Gerald R. Ford followed a steady, sensible course to cope with the Nation's economic problems and during his Administration halted double-digit inflation and lowered unemployment;

Whereas President Gerald R. Ford worked to solidify President Nixon's accomplishments in China, bring representatives of Israel and Egypt to the conference table, and provide developmental assistance to poor countries;

Whereas in 1975, under Gerald R. Ford's leadership, the United States signed the Final Act of the Conference on Security and Cooperation in Europe, commonly known as the “Helsinki Agreement”, which ratified post-World War II European borders and supported human rights;

Whereas Gerald R. Ford, together with Betty Ford, was awarded the Congressional Gold Medal in 1999 in recognition of dedicated public service and outstanding humanitarian contributions to the people of the United States;

Whereas in 1999, Gerald R. Ford received the Medal of Freedom, the Nation's highest civilian award, for his role in guiding the Nation through the turbulent times of Watergate, the resignation of President Nixon, and the end of the Vietnam War, and for restoring integrity and public trust to the Presidency;

Whereas since leaving the Presidency, Gerald R. Ford has been an international ambassador of American goodwill, a noted scholar and lecturer, and a strong supporter of the Gerald R. Ford School of Public Policy at the University of Michigan, which was named for the former President in 1999; and

Whereas Gerald R. Ford's life has been characterized by honesty, integrity, and dedication of purpose: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) expresses its appreciation for the profound public service of President Gerald Rudolph Ford;

(2) tenders its deep sympathy to Betty Ford; to Michael, Jack, Steven, and Susan; and to the rest of the family of the former President; and

(3) directs the Clerk of the House to transmit a copy of this resolution to the family of President Gerald Rudolph Ford.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Virginia (Mr. TOM DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the debate on the pending motion to suspend the rules be extended to 1 hour.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

## GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in



which to revise and extend their remarks on H. Res. 15.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, thrust by President Nixon's resignation into an office he had never sought, former President Gerald Ford occupied the White House for just 896 days. They were, however, 896 extraordinary days that President Ford used to guide the Nation through and out of the dark days of the Watergate scandal.

When Ford took office on August 9, 1974, he declared: "I assume the Presidency under extraordinary circumstances. This is an hour of history that troubles our minds and hurts our hearts."

Ford got his first exposure to national politics at Yale University, working as a volunteer in Wendell Willkie's Republican campaign for President.

After World War II service with the Navy in the Pacific, he went back to practicing law in Grand Rapids and became active in Republican reform politics. The rest is history.

President Ford was elected to the House of Representatives in 1948 as a Republican. Ford's reputation for integrity and openness made him popular and well regarded among his peers during his 25 years in Congress.

In 1965, he was elected minority leader. Mr. Ford was a devoted public servant who led his country with grace and bipartisanship during challenging times. The country is grateful to him for his leadership and dedication.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

It is a great pleasure once again to recognize the many accomplishments that President Ford had during his life, and I am pleased that we can spend more time this evening adding to the record we began early this afternoon.

Before I do that, I want to remind all Members to please take the time to go to the Cloakrooms and record their remembrances in the books that are displayed there. This will be very meaningful to Mrs. Ford and the family if we can do that, and I urge all Members to do that.

Mr. Speaker, before I proceed any further, I would like to yield to Mr. McCOTTER from Michigan for such time as he may consume.

Mr. McCOTTER. Mr. Speaker, I just wanted to go on record with the reminiscence of late President Ford.

As a young person growing up in Michigan, I remember Watergate. It is a very early political memory. And it would have been so easy at the time for that indelible memory to remain with a young person and sour them and make them cynical toward the public

process and toward government in general.

But I was very lucky because the man who took the place of the disgraced Richard Nixon was a man from Michigan by the name of Gerald Ford. Living in Michigan at the time being a young person, to see someone from my home State filled me with pride and a sense of inspiration that one person could rise above it and help to heal the wounds of a Nation.

So in many ways today in paying respect to Gerald Ford, it is not my ability to thank him for his service to our country in general, but to thank him personally for the inspiration that he provided me, to see what one good and decent man could do for his fellow Americans.

Mr. EHLERS. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure now to yield such time as he may consume to one who knew President Ford well, the Dean of the House of Representatives, the Honorable JOHN DINGELL from the State of Michigan.

Mr. DINGELL. Mr. Speaker, I thank my dear friend for his kindness and for his yielding me this time. I express to him my gratitude not only for his managing this time, but for bringing this bill to the floor. You have done a good thing, and I say to you, sir, my thanks.

I also want to congratulate my dear friend from Michigan (Mr. EHLERS) for his part in bringing this matter before us.

We honor here a great American, a real patriot, a distinguished President, a man who served with distinction in the House, where he had no enemies and legions of friends. He was an honorable and decent man. He was a friendly man. He was uncomplicated. He was good. He was a fine family man, and he was a man with whom any Member of this House on either side of the aisle could work with affection and with respect. We will miss him. He was a great American, and he was a man who left a great tradition as a Member of this body and as a member of the Appropriations Committee where he served with distinction.

A curious event associated with him is that he always wanted to be Speaker, but never made the grade. By a curious set of circumstances, he was the only man who probably could have been confirmed as Vice President under the constitutional amendment. And by an even more curious circumstance, he was never elected either Vice President or President, and yet he served in both offices with real distinction.

I will be praying for the repose of his soul. My wife, Deborah, and I knew Gerald Ford and admired him greatly. We extend our condolences to his wonderful wife, Betty, who was his loyal friend, supporter, counselor, and who served his country and him and all of us with distinction and who brought luster not just to her name but also to the name of her distinguished husband.

We will pray to God He be good to Jerry Ford, and I thank my colleagues for bringing this resolution. It is well deserved by a great American.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to give a few vignettes of Jerry Ford that illustrate the type of man that he was.

We heard this afternoon when we discussed this on the floor that he had been active in supporting the Civil Rights Act that passed this House and the Senate some years ago. But this was not an out-of-the-ordinary thing for him. When he was a football player at the University of Michigan, and a very fine one, I might add, undoubtedly the finest athlete to ever occupy the White House, he was the captain of the football team. They were scheduled to play Georgia Tech. There was one African American football player on the Michigan football team, and Georgia Tech said we cannot allow a black player to play on the field at Georgia Tech.

When Gerald Ford heard that, he said I will not play either. I am simply not going to play if they will not let my friend, Ward, play. That was the type of person he was. It was not until his African American friend begged him to play that he finally conceded that he would play.

Another vignette is when he was elevated to the Presidency, we had a big party for him back in Grand Rapids, Michigan, and 5,000 people turned out for our little party. Person after person got up to the microphone and related experiences in their life where Jerry Ford had helped them, whether it was a matter of housing, of veterans benefits, getting medals for veterans. The list went on and on and on.

That accords with another thing that was told me by one of my fellow legislators at the time. He had become a Member of Congress and he said, Sometimes I cursed Jerry Ford. Because of the high standard of constituent service he provided, he said, we worked endlessly in our office to do as well as Jerry Ford and his staff did in his office.

□ 1930

Those are two examples. I have more, but I see that the majority leader has arrived, and I know he is anxious to speak on this issue.

Mr. DAVIS of Illinois. Mr. Speaker, it is now my pleasure to yield such time as he may consume to the majority leader, the gentleman from Maryland (Mr. HOYER), one who did know the President, but, as I observed a few minutes, not quite as long as Representative JOHN DINGELL.

Mr. HOYER. Mr. Speaker, I thank my very distinguished friend for yielding and thank him for his leadership in this Congress, in the great city that he represents and his State of Illinois. He does a wonderful job.

I am pleased to join the sponsor of this resolution, my good friend, VERN

EHLERS. VERN EHLERS represents the district, as some of you have already been told, I am sure, I just got to the floor, but I am sure you have been told he represents the district that Gerald Ford represented for a quarter of a century.

Jerry Ford was my friend. President Ford was someone who I got to know after he was President of the United States. As Mr. DAVIS observed, I was not in the Congress and did not serve with President Ford. He was, however, a distinguished leader of this body.

I would like to say just a few words, Mr. Speaker, about the contributions of a great American leader, a man who personified integrity, openness, civility and a sense of responsibility, and a man who helped restore public confidence in our institutions of government during a time of national crisis and grave doubt about our government, and that doubt existed here in this country and abroad.

President Jerry Ford, our Nation's 38th President, took office during a period of American history when deep skepticism was the norm and uncertainty ruled the day. The challenges he faced were not the product of his actions, but he effectively confronted them and helped our proud Nation rise above its "long national nightmare," as he referred to it, and to begin dreaming again about the promise that has been ours since our founding.

President Ford, of course, never asked to be our Commander in Chief. The responsibilities and burdens of that office were thrust upon him when he chose to answer our Nation's highest calling. That calling came because of the respect that was accorded to him in this House, in the United States Senate and in our country.

He never put partisanship or ambition ahead of the needs of the American people, seeking instead to heal our national wounds. Where he saw division, he built bridges, and where he saw doubt, he nurtured trust.

I am proud to be able tonight to serve in the same Chamber where Gerald R. Ford served our Nation for such a long time. I have now served one year longer than Gerald Ford served in this House. He served for 25 years. I am in my 26th year. But no one brought more luster to their service, no one brought more integrity to this House, no one was a better example of what all of us ought to be as Members of this great institution, the People's House, than was Gerald R. Ford of Michigan.

He offered his talents for seeking compromise and building consensus. I would hope all of us would take a lesson from Gerald Ford as we move ahead over the next 2 years. Too often, the cycle that we enter is a cycle of confrontation rather than consensus creation. We need consensus. America wants consensus. America wants progress. America wants a Congress focused on its need, not a Congress focused on how we can make the other guy look bad.

Gerald Ford can be an example and should be an example for all of us to emulate. I am honored to have this opportunity to carry on President Ford's steadfast commitment to God, to country, to, obviously, his family, his beloved wife Betty and to the People's House.

It goes without saying that the thoughts and prayers of an indebted Nation are with the Ford family in their time of sorrow. I want to congratulate the Ford family, who conducted themselves with such great dignity and returned the caring of literally tens of thousands of people who came through our Rotunda to honor President Ford and his service and to thank him for that which he has done for our country. Jack and Susan in particular stood for hours greeting people and thanking them for being there, and the other children as well.

On December 26, 2006, we lost a great American, a great leader and a great friend. I was a member of the Appropriations Committee and had the honor of chairing the Treasury-Postal Committee. The Treasury-Postal Committee had under its aegis the retirement funds for our former Presidents, and in that capacity, I had an opportunity to talk to him from time to time, not about his own personal interests, which we did talk about, but that is not why we talked.

He talked about the institution. He talked about what we were doing to make this House run better. I can remember we were at a forum at Georgetown together over two decades ago at which we both spoke, and he spoke of the need for having more contested elections, as opposed to districts that were automatic for one party or the other. He said that would be good for democracy, good for discussion of issues and good for the creation of consensus.

Gerald Ford's indomitable spirit will live in these halls of power and service for generations to come, halls that will forever bear the mark of his influence and dedication to the people of the United States of America.

I want to extend my deepest sympathy to President Ford's beloved wife, Betty, his children and his family and loved ones, and in closing thank him; thank him for being an example to which all of us could repair for service in this body; thank him for being an example for the American people to look to for what a Member of Congress can and ought to be, a man of principle, a man of generosity, a man who cared about his country and its people.

Gerald Ford, we thank you for your service, and we miss you.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to add a few more comments, little vignettes. We have had a lot of discussion today about the wonderful attributes of President Ford as a President, as a Vice President and as a Member of the House of Representatives. Indeed, he

was a most gracious person and also a most capable and hardworking person. I appreciate the comments that Majority Leader HOYER made which reflect very accurately what a wonderful person Mr. Ford was. But I want to add just a few examples from my hometown and my experience with him.

I, at one time, was the Chairman of the County Commission. This was at the time when we were erecting the Ford Museum in Grand Rapids. Of course, he was interested in that and came around regularly. He was retired from the Presidency at that time.

I recall walking down the street with Mr. Ford. I thought I knew quite a few people there, but walking down the street with him, even though he had not served in Congress for some 10 years at that time, people, of course, would greet him and say, "Hi, Jerry, how are you doing?" They all knew him. The amazing part to me was that he knew them, and he would say, "Hi, Bob. Hi, Shirley. Hi, Jerry. How are you doing?"

Then another time we walked into the Amway Grand Plaza Hotel, which had been the Pantlind Hotel, and he had stayed there when he came back to Grand Rapids for visits and for meetings. We walked into the hotel lobby, and, of course, a number of people saw him and sort of mobbed him and kept talking to him.

I noticed a bellman standing off to the side, and it was clear to me that he wanted to speak to Mr. Ford but didn't dare to come up to this group of people. He just thought it wasn't proper. So I mentioned this to President Ford. I said, "I think the bellman wants to talk to you." He said, "Oh, good." So he marches over to him and says, "Harry, how are you doing? It is good to see you again." I didn't know he had a personal relationship with him.

Then he said, "By the way, I heard that your mother has cancer. Is that true? How is she doing?" He then had a 10-minute conversation with this young man about his mother and her health and what had gone on. I am curious how many ex-Presidents would take the time to do that for a bellman that they had known in the past?

Similarly, the first time he went to the White House as President and a reporter I know was following him, and as he approached the White House, of course, the Marines stood erect, opened the doors and stood at attention. He came up and held out his hand and said, "Hi, I am Jerry Ford. I am going to be living here. What is your name?" The reporter talked to the Marines at the door after that and said, "Have you ever had that before?" One said, "No, I have been here for several years, and the previous President has never even looked at me." But, again, that was characteristic of Mr. Ford.

One final little note. I first got acquainted with him, I am a nuclear scientist, as most of you know. I had moved from Berkeley, California, where I got my Ph.D., and I was teaching at

Calvin College. I heard a speech at a national convention from a Congressman who said, "It is terrible. We don't have any scientists in the Congress. We don't have any scientific advice." He said, "I urge you to contact your Member of Congress to see if you can help them by giving scientific advice."

So I took the gentleman at his word. I sent a letter to Congressman Ford and said, "I am a scientist. I have heard there is not much scientific advice there. I would be happy to help you in any way I can."

I dropped the letter in the mailbox, and my first thought was, I would get a nice response that said: Thank you for your comments. We will keep you in mind if we ever need you. But in fact, Mr. Ford was excited about it. The day they got the letter, his chief of staff called me and said, "Jerry is very excited with this and would like to meet with you."

So I met with him. I established a science advisory committee, and we met with him quarterly to advise him on scientific matters. What struck me was he was extremely interested in the meetings and in what we were saying, but also very, very quick on catching on to the scientific terms and issues we were discussing, much more so than the average lay person would be able to catch on. So it was a real pleasure for us.

But one day after a meeting, I said, "Mr. Ford, I don't quite understand, because you come back to Grand Rapids, you spend all day in meetings, you spend an hour or hour and a half in a meeting with us just because we want you to know more about science," and I said, "You really seem to enjoy it. Doesn't it get tiresome sometimes?"

He put his arm around my shoulder and he said, "Vern, one thing you have to recognize: Everyone else I meet with is asking for something. You are the only group I meet with that is offering me something."

I have never forgotten that, and it really gave a lot of meaning to me when I got here in Congress and found out that is true. Almost everyone that walks through our office doors comes in asking for something, not trying to help. So I now appreciate more fully why he appreciated our help.

These are just a few instances of what a wonderful human being President Ford was, how he related to the people around him, how he was concerned about the people around him and really sought to do what was best for them and what was best for this country. He was a terrific model for the rest of us and for me myself, and I have always tried to serve the people as well as he has.

With that, Mr. Speaker, I have no further speakers, and I have no further comments, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, as I close, let me just first of all commend and thank Representative EHLERS for introducing this resolution.

I also want to thank all of those who have come down and taken the time to speak.

In summing up the life of President Gerald Ford, I am reminded of something that my mother used to tell us all the time, and that is that if a task is once begun, never leave until it is done; be the labor great or small, do it well or not at all.

President Gerald Ford, wherever he was, did his work well, whether it was on the football field, at the university, in the halls of Congress, as Vice President and ultimately as President of the United States of America, and our country is a better place because of it.

Mr. HOLT. Mr. Speaker, I rise today to join all Americans today in mourning the passing of President Gerald R. Ford and support.

Gerald Ford became President in the aftermath of Watergate, a scandal that shook to the core the confidence that Americans place in their government. His unquestioned integrity, good humor, and unimpeachable personal character carried this nation through one of the toughest periods of American history. Gerald Ford's legacy is one of steadiness in a time of crisis and of selfless service for his country.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of House Resolution 15, Mourning the passing of President Gerald R. Ford.

While we mourn President Ford, we also celebrate this great American's life and unique contributions to our country. I believe he will be remembered as a devoted and decent man of impeccable integrity who put service to his country before his own self interest. In public life, there can be no higher achievement.

In 1968 President Ford and his family first came to Colorado to ski. He was inspired by the beauty of the area and found a connection to the land and to the surrounding community and ended up buying home in Beaver Creek. When he became President, his vacations in Colorado helped introduce the world to the Town of Vail, and in fact, the family home was dubbed "the Western White House."

Coloradans, especially those in the Vail Valley, consider Jerry Ford to be the first President from Colorado because he was a great ambassador for the State who established long ties to the people of Colorado. He was known as the first skiing president, and because of this tireless promotion of Colorado's ski industry, he was inducted into the Colorado Ski Hall of Fame in 2001. He was a good neighbor, an avid golfer and a lover of the outdoors. So you can see why I like to claim the former president as a constituent.

Because of his work with charities in Colorado and his contributions to our great state, I've introduced a bill which would rename the Vail Post Office after President Ford, and I hope that the House will take up that bill soon and pass it in his honor.

President Ford will rightly be remembered for his personal warmth, his decency, his interest in bridging the many divisions in America during the 1970s. My father, Mo Udall, served in the Congress with him, and while they were often on different sides in political matters they were united by a common view that politics should unite people. I remember a story in 1974 President Ford invited Arizona's senators and representatives to ride on Air Force One for a meeting he was having with Mexico's

president. At the time, Arizona had two Republican senators and three Republican congressmen. They all declined. The one Democratic congressman—my dad—accepted the invitation.

"All these other politicians don't want Ford to come into their district. Hell, I'm glad to see him in mine," my dad told a person in a crowd outside the place where Ford and the Mexican president were meeting. Mo then went into the crowd and put his arm around the president, telling him how proud Arizona was to have him. "It's a great day for the state."

They both were firm believers that in public life one could disagree without being disagreeable. This is a credo I try to live by and I draw inspiration from my father and from President Ford. They were both practitioners of civility long before the term came a popular term of political art.

As a dedicated public servant, President Ford served honorably in his years in Congress and in the White House. Most important, when America needed someone to reassure their trust in government after Watergate, he filled that leadership role with authenticity.

In short, Gerald Ford helped heal our nation during a time of crisis, provided steady leadership and restored people's faith in the presidency and in government. We need leaders like him today.

Mr. TERRY. Mr. Speaker, I rise today to honor the late President Gerald R. Ford, who was born in my hometown of Omaha, Nebraska. President Ford will forever be remembered for his great service to the people of the United States of America. He served the people at a complicated and divisive time in our history with honor and distinction. By helping our Nation heal from the political turmoil of Watergate, he helped move us forward.

President Ford was a man of selfless actions based in modest, Midwestern values. As a public servant, I am proud of his efforts; as a Nebraskan, I am proud of our President.

President Ford was a man who gave up a National Football League career in order to study law and ultimately serve the people in the highest office of public service. His love for our Nation and our American freedoms will live on through our work in Congress and his immortal words, spoken during his 1977 State of the Union Address when he said "The Constitution is the bedrock of all our freedoms. Guard and cherish it, keep honor and order in your own house, and the republic will endure."

He was a scholar, an athlete, an honorable President, and an even more honorable American. Our nation will truly miss his leadership, honestly and integrity.

Mr. SMITH of Nebraska. Mr. Speaker, I rise today to pay tribute to a great friend of this institution, President Gerald Ford. I speak for all of us when I say that our thoughts and our prayers go out to his wife, Betty, and their family.

Born Leslie Lynch King, Jr. in Omaha, Nebraska, President Ford embodied the values and spirit of Nebraska by putting the good of the nation ahead of personal, partisan politics. He was a valued colleague to two branches of our government, who loved and honored our traditions.

A great statesman, he will be hard—if not impossible—to replace. President Ford taught us lessons of unity we will do well to remember as we debate issues that may be divisive.

The flags hang at half-mast throughout our entire nation to remember a good and decent

man. Though I never met him, I am honored to pay my respects to this great.

God bless him and his family.

Mrs. MILLER of Michigan. Mr. Speaker, as a member from the Michigan Congressional Delegation I am proud to honor today one of our State's favorite sons, the 38th President of the United States Gerald R. Ford.

President Ford is the only person in the history of our Nation to ascend to presidency having never sought either the presidency or the vice presidency. And he did so at one of the most difficult moments in our Nation since the Civil War.

Upon assuming office he acknowledged that he had not been elected through the votes of the American people but simply asked for his confirmation through their prayers.

He was the right man, for the right office at the right time for our Nation.

He made policy decisions not based on political calculation, but on what he believed was in the "best interests of the Nation."

He was not afraid to reach across party lines to find solutions to the myriad of challenges which faced our Nation.

He was a man of unquestionable character.

Prior to coming to Congress I had the honor to serve as Michigan's Secretary of State and as such served as our State's official historian.

During my term in office I had the privilege to place a historic marker at the newly renovated boyhood home of President Ford.

On that day he spoke of the values instilled in him in that home, in his community and in our great State of Michigan.

These were values that served him well throughout his life and certainly when he assumed the presidency.

Values like honesty. Integrity. Treating every person with respect and dignity. Love of country and a commitment to freedom.

His commitment to these values was evident throughout his public service.

As a military officer in the Pacific in World War II.

As a member of this House of Representatives for nearly three decades.

As the leader of the Republican minority in the House where he proudly voted for and sought votes for landmark legislation like the Civil Rights Act and Voting Rights Act.

And as Vice President and President of the United States where he helped America recover from what he called our long National nightmare of Watergate and where he concluded the war in Vietnam.

Simply put, Gerald R. Ford was a great American worthy of our honor and respect.

Our condolences go out to his wonderful and courageous wife Betty and to the entire Ford Family.

A grateful Nation owes a debt of gratitude to President Ford for his lifetime of honorable service.

May he rest in peace.

Mr. DINGELL. Mr. Speaker, I rise today to honor and pay tribute to my dearly departed friend, Gerald R. Ford, the 38th President of the United States.

Gerald R. Ford rose to the Presidency at a time when the Nation was in crisis. Disillusioned by Watergate, nervous about an economy in recession, and anxious to get its soldiers out, of war, the country was yearning for a leader who could reestablish a sense of normalcy. So when Ford took over the White House after a short stint as Vice President,

and a quarter century in the House of Representatives—even though we disagreed on some fundamental policy issues—I was relieved. I knew Jerry as an all-American hailing from Grand Rapids, Michigan, a fellow World War II Veteran, and above all, a man of extraordinary character. He was the right man at the right time to restore a divided Nation shaken to its Constitutional roots.

When Ford left for duty he was considered an "isolationist". When he came back, he was a committed internationalist. It was this change, which I think marks the type of person that my friend Gerald Ford was. Many of today's pundits will call him a "throwback" or a "dying breed". I say he simply possessed a remarkable sense of self, strong patriotism and astute common sense. He looked at the world, saw the conflicts, recognized the need for U.S. leadership, and changed his own opinion.

Too often today, men and women in public life who change their opinion are derided. Stubborn consistency in the face of rebutting evidence is now considered leadership. But this narrow definition of leadership was never the Ford model. He was a citizen legislator, a stalwart in a grand tradition that stretches back throughout democracy, from the complexities of the 21st century to the founding of Athens. He never sought leadership, it always came to him.

During his 25 years in Congress, where we worked side-by-side in the Michigan delegation for 17 years, Ford worked hard for his party but also reached out and made many friends across the aisle. His party elected him as minority leader in 1965, where he served as an effective leader and consensus builder until 1973, when he took over the Vice Presidency under Richard Nixon, replacing Spiro Agnew.

Not only did Ford take over the Presidency during one of the toughest times in American history, he did so as a leader whose political party differed from the congressional majority. Ford vetoed an unprecedented 66 bills during his Presidency. Nevertheless, the Congress passed some important laws with bipartisan support under the Ford Administration including the Community Development Block Grant, the Privacy Act, and the Federal Elections Campaign Act Amendments.

Ford and I worked particularly closely during his presidency on energy matters. Despite our differences, we were able to work together. During the Ford Administration we passed the Energy Policy and Conservation Act of 1975 (EPCA), which established the Nation's first fuel economy standards. Because of his self assuredness and his uncanny ability to think for himself, policy disputes did not deter Ford from working across party lines to achieve success. Nor did partisan bickering preclude bipartisan friendships: he played golf with political adversary Tip O'Neill and became good friends with Jimmy Carter after Carter defeated him in the 1976 election.

President Ford was devoted to ensuring that America and the Presidency were in better, shape than when he found it, and above all else, this was his most important accomplishment. His honesty and patriotism should be a model for elected officials today who are often too eager to create a sound bite and too reluctant to find common ground. Mr. Speaker, I ask that you and my fellow colleagues join me in remembering President Gerald R. Ford, and

honoring him by carrying on his legacy of bipartisanship, honesty and integrity in the years to come.

Mrs. BONO. Mr. Speaker, I rise today in strong support of House Resolution 15, and to pay tribute to a dear friend and remarkable American. Today, we honor the life and memory of our Nation's 38th President, Gerald R. Ford. The consideration of this legislation is of great personal importance to me, as I had the honor and distinction of counting President Ford not only as a friend but also as a constituent.

These past few weeks, the American people have come to know the story of one of our most beloved leaders, a man who brought our nation together during a tumultuous time and restored faith in our democratic system of government. President Ford famously said, "Our Constitution works, our great Republic is a government of laws and not of men." Yet, the truth is that our system works because of people like Gerald R. Ford and his wonderful wife, Betty—people who dedicated their lives to making our country strong and improving the prospects for all American citizens.

Despite achieving great success as an athlete, President Ford declined the opportunity to play professional football because he wanted to serve the nation he loved. He went to Yale to study law, served heroically in the U.S. Navy during World War II, honorably represented the people of Michigan in this very House for 25 years, and was selected to serve as Vice President because he had the confidence of the U.S. Congress and was simply the best man for the job. He assumed the Presidency he never sought because, when called, he never shied from his duty to his country.

His personal integrity was beyond question and his quiet strength steadied our Nation in a time of crisis. President Ford skillfully led our nation through the post-Watergate era, he laid the groundwork for an historic peace accord in the Middle East, and steered our country through tough economic times. History has shown that he was the right leader for those difficult days.

In California's Coachella Valley, where President Ford and Betty made their home after leaving the White House, their support of charities, too numerous to mention, helped make them the beloved "first-couple" of the Palm Springs region. As lifelong partners who were truly devoted to one another and to their family, the Fords encouraged millions of dollars in donations to many worthwhile causes. When Betty Ford courageously raised public awareness of dependency issues and founded the recovery clinic in her name, President Ford stood squarely and quietly behind her every step of the way.

I extend my deepest sympathy to Betty and the entire Ford family for their loss, a loss we all share. As we begin this Congressional session in the House which he loved so deeply, I think we would be well-served to remember the example of leadership and selfless duty to country that President Ford provided. We celebrate his memory and our Nation is better for his service.

Mr. LEVIN. Mr. Speaker, I rise in Strong support of House Resolution 15. It is fitting and right that the House remember this highly distinguished citizen of the State of Michigan, and honor his service to the people of the United States.

Gerald Ford's life and legacy define the term "public servant." He served with distinction in World War II aboard the U.S.S. *Monterrey*. In 1948, he was elected to the House of Representatives, where he served with integrity for 25 years. In 1974, during one of the darkest moments in U.S. history, Gerald Ford served as our Nation's 38th President, and restored integrity to the Presidency.

As the Nation has honored President Ford over the course of the last week, I have been struck by how many have made mention of his honesty, trustworthiness and essential decency. As the first President Bush said of his one-time colleague in the House of Representatives at the memorial service at Washington Cathedral last week, "to political ally and adversary alike, Jerry Ford's word was always good."

President Ford will also be remembered for believing that America is strongest when we work together and work with others.

President Ford has left us a rich legacy. As we begin this new Congress, I hope all of us here will honor him by taking to heart that legacy.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 15. This resolution mourns the passing of Gerald Rudolph Ford, Jr., the 38 President of the United States, and honors his lifetime of outstanding leadership and service to our Nation.

President Ford was born Leslie Lynch King, Jr., in 1913 in Omaha, Nebraska. Soon after his birth, his mother moved to Grand Rapids, Michigan, where she remarried and he was adopted and renamed after his stepfather, Gerald Rudolph Ford.

While in high school, Jerry Ford was an outstanding student and athlete, and Eagle Scout. He went on to achieve a Bachelor of Arts at the University of Michigan, where he majored in economics and political science. He also played on the University's 1932 and 1933 national championship football teams and was selected to several college All-American football teams. Indeed, Jerry Ford was such a gifted football player that he was offered contracts by the Detroit Lions and Green Bay Packers. But he turned them down to accept a coaching position at Yale University, in hopes of gaining admission to its law school. His perseverance paid off and he was admitted in 1938. He graduated in the top third of his class with an LL.B. in 1941.

President Ford returned to Grand Rapids to practice law and teach a course at the University of Grand Rapids. He also helped coach the Grand Rapids football team. After the United States entered World War II, he joined the U.S. Naval Reserve, serving on the light aircraft carrier USS *Monterrey*. In 1944, he narrowly survived a deadly typhoon in the Philippine Sea. In 1946 he completed his military service and was honorably discharged.

Upon returning home to Grand Rapids, Jerry Ford resumed his law practice, this time with a more "internationalist" outlook due to his experiences abroad. He was elected to Congress with more than 60 percent of the vote in 1948 after ousting an isolationist incumbent in the Republican primary. During the 1948 campaign, Jerry married the outspoken advocate of women's rights, Elizabeth Anne Bloomer Warren, whom we all know and love as "Betty." Jerry Ford was elected to Congress 13 times by his constituents, never once receiving less than 60 percent of the vote. In

October 1973, he was nominated to be Vice-President by President Richard Nixon and assumed the office after being confirmed by both the House and the Senate. In fact, Jerry Ford holds the distinction of being the only person in history to be confirmed by both chambers of Congress.

At noon on August 9, 1974, upon the resignation of President Nixon, Jerry Ford became the 38th President of the United States. In addressing the Nation after taking the oath of office, President Ford said: "My fellow Americans, our long national nightmare is over." And he was right. Over the next twenty-nine months, President Ford did so much, by word and deed, to restore public confidence in the institutions of government. In the final analysis, President Ford's lasting legacy is "all he did to heal our land," as his predecessor, President Jimmy Carter, memorably put it in his 1977 Inaugural Address. There is perhaps no more deserving recipient of the Medal of Freedom, an honor bestowed on President Ford in 2000 by President Bill Clinton. In 1999, he was awarded the Congressional Gold Medal and in 2001, he was presented the Profile in Courage Award by the John F. Kennedy Library and Museum.

Mr. Speaker, I salute President Ford for his outstanding and patriotic service, especially his efforts as President to unite and heal the Nation in a time when it had lost all confidence in its officials. I strongly urge all members to join me in supporting this resolution honoring and celebrating the late President Gerald R. Ford and his lifetime of achievement and service to our country. We mourn the death but celebrate the life of this great American, this great president, and former Minority Leader of this House.

Mr. HOEKSTRA. Mr. Speaker, I rise today to honor former President and U.S. Congressman Gerald R. Ford.

Gerald Ford, who is often referred to as "Michigan's Greatest Son," worked hard wherever his life led him and based his decisions upon what he felt was the right thing to do.

A star football player with my alma mater, the University of Michigan, he turned down offers to play in the National Football League to study law at Yale.

He then volunteered to serve his country in the Navy during World War II before returning to Michigan to put his law degree to work.

He later defeated an incumbent for a seat in the U.S. House of Representatives in his own party's primary, which from my own experience is an incredibly difficult endeavor. His colleagues later elected him to the highest leadership position among Republicans in the House.

Gerald Ford admittedly did not seek the greatness of the U.S. presidency, but destiny determined that he would become the right man in the right place at the right time.

President Ford allowed the country to move forward by pardoning Richard Nixon, although it likely contributed to him failing to win the 1976 election.

He helped to unite a divided nation, even when he knew that it would likely result in a great personal cost. He made the decision because he knew that if he did not, our country would spend the months and years looking back and not ahead. For him it was simply the right thing to do.

He conducted himself with integrity and character throughout every step of his distin-

guished career. He set a very high standard for those of us in West Michigan who would follow him to Washington.

The legacy he leaves to join his Creator will impact not only the officeholders who follow in his footsteps, but generations of Americans to come.

Mr. KILDEE. Mr. Speaker, I rise today to express my strong support for H. Res. 15, a House Resolution mourning the passing of former President Gerald Ford of Michigan.

Throughout his life and his career, Jerry Ford exhibited the highest standards of courage, wisdom, integrity, and civility.

I had the honor of serving with President Ford's brother, Thomas, in the Michigan legislature before I was elected to Congress in 1976.

Mr. Speaker, I must admit that I was one of those who questioned President Ford's pardon of Richard Nixon at the time he did it.

But by the time Ford gave his final State of the Union speech in January 1977, I, and most of the Nation, had come to realize the rightness of his decision to pardon Nixon.

I vividly remember the sustained and prolonged applause, from both sides of the aisle, for President Ford during his January 1977 State of the Union Address to the Congress.

He took the Office of the Presidency at a very difficult and troubled time for our Nation and for our world.

He had previously served his country with honor as a naval officer during World War Two, as a member of the U.S. House of Representatives from the State of Michigan, and as the minority leader of the U.S. House.

But when his country needed him the most, he served in the highest office in the land, as President of the United States of America.

He was the right person, at the right time, in the right office.

He guided our Nation through a very difficult time and he helped in the healing process which our Country so deeply needed at that time in our history.

Mr. Speaker, Jerry Ford loved this Country, he loved his house, he loved his State of Michigan, and he certainly loved his wife Betty and their children and grandchildren.

Our thoughts and our prayers are with them as we honor Jerry Ford today.

Mr. ENGEL. Mr. Speaker, I rise today to pay tribute to the great President Gerald R. Ford, who has recently passed away. Gerald Ford was not only America's 38th president but he was also a dedicated husband, father, athlete and WWII veteran.

Born in Nebraska, Ford was an athletic young man. He was the star of his high school football team and continued to play football as a college student at the University of Michigan. He then went on to receive his law degree from Yale University. Shortly after graduating from Yale, Ford received a commission as ensign in the U.S. Naval Reserve and received numerous awards for his bravery and service during WWII. After returning from the war, Ford became more involved in politics, serving as member of the House of Representatives for 25 years, including 8 years as the Minority leader, and later becoming Vice President before taking the oath as President.

President Ford took power following one of the most difficult times in our Nation's history and brought America back together. Gerald Ford was a noble, honorable man who emerged as a leader at a time when Americans were questioning their government.

President Ford showed us that strength and integrity are indisputably important traits to have in order to successfully lead our great Nation.

As power has just changed hands in Congress, it is my hope that we will heed the legacy of Gerald Ford and always seek to stand together to face the challenges of the future. Gerald Ford will be sorely missed by all of the Americans that he touched. My heart goes out to all of his family members.

□ 1945

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 15, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. EHLERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

#### UNIVERSITY OF FLORIDA FOOTBALL CHAMPIONSHIP

(Ms. CORRINE BROWN of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CORRINE BROWN of Florida. Mr. Speaker, a St. Pete headline says: "Gator Nation: It's A Great Time to be a Gator." The Gainesville Sun boasts: "Gators Made Most of Their Chances." The Miami Herald states: "Gators are First on the Court and First on the Field." The Florida Times Union reads: "The Gators Stand Tall and Deliver; Florida Totally Dominates Ohio in Claiming the National Championship." Go Gators!

The BCS Championship game between the University of Florida Gators and the Ohio State University Buckeyes last night was a clash of the titans and history in the making.

My alma mater, the University of Florida, became the first school in NCAA history to hold national titles in football and men's basketball at the same time. Only six Division I schools have ever won a football and men's basketball national championship since 1936, and never in the same year.

Thanks to Head Coach Urban Meyer, the Florida coaching staff, and the outstanding Gator football team, we finished the season with a 13-1 record.

I want to congratulate the University of Florida for not only being the best athletic school in the country but also the best in academia.

The Gators, through persistent offense and an overwhelming defense, defeated the Ohio State University Buck-

eyes 41-14. They earned 21 first downs, 370 total yards, and did not turn the ball over on offense. The defense held the opponents to only eight first downs, 82 total yards, and sacked the quarterback five times, for 51 yards.

No doubt about it, the best team won the National Championship. Go Gators!

#### GATORS WIN THE NATIONAL CHAMPIONSHIP TITLE

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise to congratulate the University of Florida Gators for winning the Bowl Championship Series National Football title last night.

After a hard fought season, the Gators proved victorious last night with a dazzling 41-14 triumph over the Ohio State University Buckeyes. I want to extend special congratulations to Florida's head coach, Urban Meyer, who trained this football team to be the best in the country. All of the athletes are shining stars for the university and deserve our highest praise.

Last night, the University of Florida made history by winning national titles in both men's basketball and football in the same season. Florida's academic reputation is stellar, our sports teams are number one and our fans are like none other. Mr. Speaker, it is great to be a Florida Gator. Congratulations to the students, faculty, alumni, and friends of the University of Florida.

I have just one thing left to say, Mr. Speaker, and that is: Two bits, four bits, six bits a dollar. All for the Gators, stand up and holler. Go Gators!

#### CONGRATULATIONS TO UNIVERSITY OF FLORIDA GATORS

(Mr. MARIO DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute.)

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I too want to add my words to my colleagues from Florida. I happen to represent the southern part of Florida, but I can tell you it is a great day for all of Florida and we have good reason to be proud of these fine men who have shown the country that Florida is not only football territory but also just a great athletic territory with great universities in our great State.

With that, Mr. Speaker, I yield to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. I just want to once again thank the Gators; and as we speak, I want you to know that they are arriving in Gainesville and we want to extend our wholehearted congratulations to the coaching staff and to the faculty and staff.

I also have a yell, one that I remember, and we used to do it when I was a student at the University of Florida. It was: One, two, three, four, five, them there Gators don't take no jive.

And they did it last night. Go Gators!

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### IRAQ AND THE PROPOSED BUSH ESCALATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, first of all, congratulations for being up in that chair.

I rise today to unwaveringly support the Speaker of the House, who has said that she opposes any escalation of the occupation of Iraq, that she opposes sending more combat troops into a situation in Iraq that is so, so messy.

The Speaker represents an overwhelming majority viewpoint among the American people. Indeed, Mr. Speaker, she is Speaker today because the American people overwhelmingly rejected the Bush occupation policy, a policy that has already claimed over 3,000 American lives, cost us hundreds of billions of dollars, ignited a bloody civil war, and diminished our national security.

But President Bush is stubbornly and desperately clinging onto an ideological vision that has been completely discredited. He is not listening to the new Congress. He is not listening to the American people. He is not listening to the Iraq Study Group. He is not even listening to his military commanders, who have advised against an escalation.

Even the most hawkish observer imaginable, Oliver North, has come out against an escalation in a recent column entitled: "More Troops Equals More Targets."

This occupation takes a more disastrous turn with each passing week, but the Bush administration not only is sticking to its failed policy; it is investing even more in that policy.

Our military presence, from the very beginning, hasn't brought peace and freedom to Iraq. It has been a catalyst for greater violence and disorder. It hasn't defeated the insurgency. It has been what has motivated the insurgency. It hasn't solved problems in Iraq. It has exacerbated them.

So what is the White House's solution? Send more troops and put more Americans in harm's way, even though the American presence destabilized Iraq in the first place. Escalation defies common sense, Mr. Speaker. It is



completely incomprehensible. The President of the United States has a unique take on an old proverb. He believes that if you find yourself in a hole, the solution is to keep on digging.

Here in Congress, however, we want to stop digging. On Friday, the Congressional Progressive Caucus and the Out of Iraq Caucus will co-host a forum featuring former Senator George McGovern and Mideast expert Dr. William Polk. They will be discussing their plan for ending the occupation, as outlined in their recent book, "Out of Iraq: A Practical Plan For Withdrawal Now."

We will also be joined by leaders from the military, and from diplomatic and intelligence communities, who will offer their expertise and input in a dialogue with Senator McGovern and Dr. Polk.

It is time for a 180-degree turn in the U.S. policy toward Iraq. It is time for the Congress to act out the mandate it received from the American people in November. It is time to get down to business and figure out how to extricate ourselves from Iraq, end the occupation and bring our troops home.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### TRIBUTE TO SPECIALIST DUSTIN R. DONICA, TEXAS WARRIOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, General Douglas MacArthur said: "A true leader has the confidence to stand alone, the courage to make tough decisions, and the compassion to listen to the needs of others. He does not set out to be a leader, but becomes one by the quality of his actions and the integrity of his intent."

Tonight, I want to talk about that kind of leader, Army Specialist Dustin Ross Donica, 3rd Battalion, 509th Parachute Infantry Regiment, 4th Airborne Brigade Combat Team, 25th Infantry Division of Fort Richardson, Alaska.

Dustin grew up in Spring, Texas, outside of Houston. His nickname was Double D. He enjoyed teasing his sister, Courtney. He loved to joke around with his family and his friends, and he was known by many for his unique sense of humor. He was very, very close to his family.

He was especially close to his only sister, with whom he shared an unbreakable bond. They were called the "Irish Twins," born 1 year apart. The two often told others they were actually twins.

Dustin always described himself as a modest person, although looking at his

life, this modest son of Texas accomplished extraordinary accomplishments. Even at a young age, he was known as the hero who grew up down the street. That was because of his attitude about service and about loyalty.

In 2003, the Klein High School graduate left the University of Texas and enlisted in the United States Army.

When Dustin was asked about joining the Army, he said, "I've grown up in a very privileged area. When most people of my generation are asked to do something, their first thought is, how will this benefit me? I need to do this so that my first thought is, how does it benefit others."

No wonder people said Dustin had a sense of honor and duty, traits that are very rare in our culture.

When Dustin was deployed to Iraq, he sent his sister a teddy bear. The teddy bear was wearing an Airborne uniform complete with a Donica patch on the pocket. He wanted the bear to serve as a reminder that he was fighting to keep her safe and he was always constantly thinking of her.

Mr. Speaker, you know, there's something all-American about a teddy bear. Dustin was constantly concerned for the well-being of his family back home. Even though he was in the combat war zone, all of Dustin's phone conversations with his family ended, "Remember, I love y'all. Take care. Be safe."

One of Dustin's last requests was that his parents visit his close friend, Logan. Logan had served also in Iraq, and he was being treated in the United States for his injuries. He was a very close friend of Dustin's, and Dustin asked that his parents provide Logan comfort by visiting him in the hospital in the United States.

But on December 28, 2006, at the dynamic age of 22, Double D., Dustin Donica was killed in Iraq, conducting combat operations against the anti-Iraqi forces in the city of Karmah in the Al Anbar Province.

As in many other times in his life, Dustin was standing guard, protecting his fellow soldiers in arms when he received his fatal injuries.

Now, the media has taken it upon themselves to assign a number to this patriot. Dustin's legacy is more than just a number. He was an American fighting man. He was the only son of the Donica family. He was totally committed to America. He was not a media number. And Dustin Donica's name was the example of bravery, courage and duty.

Dustin, like those who came before him, stopped at nothing to defend freedom. Our American duty, the duty for all of us that are left behind, is to honor America's sons, like Dustin Donica. In the words of President Calvin Coolidge, "The Nation which forgets its defenders . . . it too will be forgotten."

Dustin was a man who loved life, family and country. His parents, David and Judy Donica said, "We loved Dustin. He will be missed by us and those that knew him."

This is a photograph of Dustin Donica, Mr. Speaker. And yesterday Dustin was laid to rest with full military honors in Klein Memorial Park Cemetery in Texas.

These words from one of Dustin's favorite songs, "American Soldier" by Toby Keith, describe the commitment of courageous men like Dustin who we are proud of, men who are proud to wear the uniform of the United States soldier. It goes like this, Mr. Speaker: "An American soldier, an American, beside my brothers and sisters, I will proudly take a stand. When liberty is in jeopardy, I will always do what's right. I am out here on the front line. So sleep well tonight. Sleep in peace, America, because I'm an American soldier."

These young Americans like Dustin are a rare breed, Mr. Speaker. They are the American breed, and we thank them and their families.

And that's just the way it is.

□ 2000

The SPEAKER pro tempore (Mr. ELLISON). Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### NO ESCALATION OF TROOPS IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I come to the floor this evening to voice my strong opposition to President Bush's apparent decision to send up to 20,000 more troops to Iraq. Tomorrow evening the President will try to persuade a very skeptical public that more troops are needed in Iraq. But regardless of the number he suggests tomorrow night, I will oppose any efforts to escalate the war by sending additional American troops.

Mr. Speaker, it appears President Bush has learned nothing from the results of the 2006 election, nor has he listened to the suggestions of the bipartisan Iraq Study Group or his own Joint Chiefs of Staff who said as late as last month that they saw no reason to send more troops to Iraq.

Instead, President Bush has chosen to stick his head in the sand, not listen to anyone and continue on a course that is not going to make Iraq any safer for either our brave troops or for the Iraqis themselves.

It is time to bring an end to the war in Iraq. President Bush has lost the support of the American people who have grown frustrated by the continuing loss of American troops. They are rightfully asking the question, why must our troops continue to serve as referees in a civil conflict between Sunnis and Shias?

Mr. Speaker, there was a new Washington Post ABC news poll released this morning. And only 17 percent of Americans support sending more troops to Iraq; 17 percent is not a mandate for anything, in my opinion. And it is time for President Bush to finally listen to the American people.

Many of us woke up on New Year's Day to the headline of "3,000" bannered across our newspapers. We have now lost more than 3,000 soldiers in Iraq. Now, how many more are going to have to die before the President realizes that there is no possible U.S. military solution in Iraq?

Some supporters of the President's plan are going to claim that if we bring our troops home now, the more than 3,000 U.S. soldiers that have died over the past 3 years will have done so in vain. But I could not disagree more. These men and women fought admirably for our country and will certainly be remembered as heroes. But the question now is whether or not we want to risk thousands more American lives for a war that we so obviously cannot win.

Since the inception of this war, we have seen little evidence of progress in Iraq. In fact, the violence has only intensified to the point that a report released from the President's own Pentagon concluded that violence in Iraq was at an all time high just last month. And last month was the third deadliest month for American troops since the start of the war with insurgents claiming 111 soldiers lives.

Now, our troops know that the situation in Iraq is getting worse every day. They are speaking about IEDs, the improvised explosive devices used by the insurgents, which are now bigger and more complex.

The Bush Administration has tried troop escalation before, but it has never worked. Last summer, the President touted a plan that sent more troops into Baghdad, similar to what is expected to be proposed by him tomorrow. But while the violence subsided for a couple of weeks, by the end of August last year, violence was again on the rise, and it continued to escalate for the remainder of the year.

Based on these facts on the ground, why would the President even consider sending more troops to Iraq? Why would you put more American lives in harm's way when we know that previous troop escalations have not been successful in reducing violence and decreasing the number of insurgents?

Mr. Speaker, it is time for us to begin to bring our troops home. The President has said that increasing troops is a sacrifice we have to make to win this war. But I think truly it is time for him to admit that risking more American lives for this failed war is a monumental mistake.

#### HONORING THE LIFE OF HOWARD ZWYER

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

woman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, today our community bid special praise and farewell to a beautiful human being, Howard Zwyer of Monclova, Ohio. A life-long farmer, along with his wife, Eleanor, his brother, Ray, and his wife, Thelma, farmed over 1,000 acres as their father had before them. And the Zwyer family, and Howard, carried on an ethic of stewardship of our land, of husbandry, soil conservation and community mindedness that surely is not equaled by any other American.

He was 83. He lived to be 83, and he died within a mile of his birthplace. He and his brother, Ray, and their father, John, began growing corn, soybeans and wheat in the early years, even raising beef cattle.

Now, their father died in 1963, and the brothers took over. And they loved the land. When he retired formally from agriculture, he gardened and shared the produce with others. He really needed to work with the soil. It was part of him. And he never complained about being a farmer.

Mr. Zwyer retired formally about 20 years ago, and his brother died in 2002. I can tell you, they represented agriculture in Northern Ohio. There was nothing like getting on a combine with the Zwyers beaming ear to ear. I had some of those experiences.

He inherited so much of his spunk from his father, and he was also political. Howard was a Township Trustee from 1972 to 1979 and sought public office because he thought there needed to be changes for the better. Without complaint, he accepted constituents' phone calls of praise or blame and made sure the telephone was at the dinner table so he could answer.

And during late night snowstorms, he helped plow the roads. He really was a builder of our community. Throughout his public service, he attended most trustees meetings and recruited others to run for township office. His daughter said he was a little sad about how Monclova had evolved into more of a suburban community, but he understood how progress may change life as we have known it.

In retirement, Mr. Zwyer made bluebird houses, which he installed and tended, lots of bluebird houses. The family joked about how he could do anything if he had a roll of duct tape, a Snickers bar and a can of WD-40. And that is so true.

He loved adventures with his grandchildren, and he gave out cards that gave you hugs and kisses, and he handed out lots of tulips.

He was a member of St. Joseph's Church, Maumee, and became an usher until he became ill about 6 years ago.

He was a 1941 graduate of former Monclova High School, and his beloved wife, Eleanor, survives him. They have been married since 1945. They have a daughter, Jeanne Counts; a brother, Bob Zwyer; and two grandsons.

It is such a joy to be able to talk about the life of this wonderful, won-

derful Ohioan who did so much to create a culture of caring and of fatherliness across our region and who helped make agriculture in Ohio, our leading industry, what it is today.

We shall truly miss Howard Zwyer and all of the values that he represented. We know that he, his brother Ray, their father, are in a very, very special place in the city beyond the stars. We shall miss them. We wish their families Godspeed. Our thoughts are with them particularly at this difficult time.

[From The Blade, Jan. 7, 2007]

#### HOWARD JOHN ZWYER

Howard John Zwyer, 83, of Monclova, passed away Friday, January 5, 2007, at the Hospice of Northwest Ohio in Perrysburg. Howard was born May 13, 1923, in Monclova, the son of John and Sophie Grossheim Zwyer. He graduated from Monclova High School in 1941. Howard was a farmer and gardener his entire life, never living more than one mile from his original home. He loved sharing his raspberries, blackberries and other produce from his garden with neighbors and friends. Howard was a lifelong member of St. Joseph Catholic Church and ushered for many years. He served as a Monclova Township Trustee for eight years and after his service, he stayed active in the township and politics. He was a member of the Monclova Democrat Club, Lucas County Farm Bureau, the Maumee Eagles and the Lucas County Soil and Water Conservation District. Howard loved his family, International tractors, duct tape, WD-40, Snickers bars, adventures with his grandsons, hugs, Tulips, bluebirds and smiles.

He is survived by his wife of 61 years, Eleanor; daughter, Jeanne (Jim) Counts; grandsons, Buck (Heather) Counts and Will Counts; brother, Bob (Eleanor) sister-in-law, Thelma Zwyer and many special nieces and nephews. He was preceded in death by his parents; son, Jimmy; a daughter, Julie; brother and sister-in law, Paul and Geneva; brother, Raymond, and sister and brother-in-law, Helen and Gilbert Sattler.

#### IRAQ TROOP ESCALATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, tomorrow night President Bush will go on prime time television to present to the Nation the results of, quite frankly, what I call his listening tour on what to do about Iraq.

After 4 years since the war began, the President has suddenly taken an interest in listening. But he certainly is not hearing the American people.

Nearly 4 years ago, this unnecessary war in Iraq began, and it has cost our Nation so much. Over 3,000 brave American men and women have given their lives. We have spent close to \$400 billion on this war, and the President is poised to ask for another \$100 billion in the fiscal 2006 supplemental next month.

And this war has greatly undermined our standing in the world and our national security.

Each additional day that our troops remain on the ground in Iraq, the

longer the target remains on their backs. Instead of doing something immediately to remove these targets from our troops, the President is expected to propose escalating the number of our troops in Iraq by 20,000.

Now, regardless of how you spin this, either as a surge or a bump, it amounts to an escalation of the war at precisely the time we should be seeking to bring the Iraq war to an end. It is like the man who finds himself in a hole and decides that the best way out is to keep digging.

An escalation in troops won't change a thing on the ground. Iraq is still in a civil war, and we are still occupiers.

As reported yesterday, nearly 23,000 Iraqis died in 2006. This is just in 1 year. And even worse, over 17,000 of these deaths came in the second half of the year.

In escalating the number of troops, the President fails to address exactly how U.S. troops will referee this civil war. Are we to pick sides and support ethnic cleansing of one group over another? Adding more U.S. troops to this mess will prove not only ineffective, it is just plain foolish.

But this tactic is nothing new. The President has added troops in the past. There have been escalations during the Iraqi elections in 2005 and 2006 to shore up Baghdad security. The violence may have quelled for a moment but only to return with a vengeance, as we have seen.

Finally, the President's plan is futile. Some of the President's own advisors and experts have questioned the utility of a troop escalation. Their reasons range from the Iraqi government's inability to capitalize on new troops to the sheer folly of adding more troops to an already incendiary situation.

No such luck. In fact, a senior military official was quoted last month as saying adding more troops would be like adding kerosene to a fire.

General Abizaid, the top military commander in Iraq, testified before the Senate Armed Services Committee in November 2006. He posed the question of his commanders and generals. He said, If we were to bring in more American troops now, does it add considerably to our ability to achieve success in Iraq? General Abizaid reported that they all said no.

Mr. Speaker, the President's own press secretary, Tony Snow, said yesterday that the President still wants to hear what Members of Congress have to say. Well, I tell you, we have listened to the American people. Over 60 percent oppose the idea of increased troop levels. We have listened to the President's own commanders. Escalating the number of troops won't change the facts on the ground. I think it is time for the President to listen.

Mr. President, Mr. President, Mr. President, bring our troops home and make sure that we have no permanent military bases in Iraq.

□ 2015

#### END THE WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise this evening to give voice to tens of millions of Americans throughout our country who are looking for an end to the war in Iraq. I rise on behalf of our brave soldiers on our battlefield who have done everything our country has asked of them under terrible circumstances and who have made terrible sacrifices.

I rise on behalf of their families who have suffered great losses and who worry day and night for their safety and for the loved ones still in combat. I rise this evening to call on our President to give the Nation what it has deserved, a viable plan to safely bring this war to an end, to redeploy the American forces out of Iraq, and turn the future of Iraq over to the Iraqi people once and for all.

President Bush is soon expected to call for an escalation to the war in Iraq, seeking to deploy an additional 20,000 troops into combat. The President's plan would be just the latest in a series of flawed and tragic decisions that he has made regarding Iraq.

The President was advised at the outset of the war by one of his top generals to send a large American force in order to win. President Bush rejected that idea, and since then he has tried at different times a surge of American troops in an effort to win the war. Now, each time that effort has failed.

Now he appears ready to defy the odds and take great risks with the lives of others in order to try his plan one more time. The President has failed to make a compelling case for adding more troops into what is clearly the greatest American foreign policy disaster in half a century or even longer.

I applaud the efforts of House Speaker NANCY PELOSI and Senate Majority Leader HARRY REID, who have called for a new course in Iraq. On Friday they wrote: "Adding more combat troops will only endanger more Americans and stretch our military to the breaking point for no strategic gain. Rather than deploy additional forces to Iraq, we believe the way forward is to begin the phased redeployment of our forces in the next 4 to 6 months, while shifting the principal mission of our forces there from combat to training, logistics, force protection and counterterrorism."

I implore the President to seriously consider these views, and I implore him to also consider the views of the current and former military and political leaders of his own administration who have openly questioned sending additional troops to Iraq. For instance, on December 17 in 2006, former Secretary of State Colin Powell said, "I am not persuaded that another surge of troops into Baghdad for the purposes of sup-

pressing this communitarian violence, this civil war, will work."

On November 15 General Abizaid expressed, "I've met with every divisional commander. General Casey, the Corps commander, General Dempsey—we all talked together. And I said, 'In your professional opinion, if we were to bring more American troops now, does it add considerably to our ability to achieve success in Iraq?' And they all said no."

The war in Iraq is a mistake from the beginning, and I voted against authorizing this war. But regardless of one's position then, clearly there is no sound basis now for increasing America's military presence in Iraq. The war has claimed the lives of over 3,000 American soldiers and has wounded more than 20,000, and it has clearly become a civil war.

It is unconscionable to ask one more American soldier to fight and die in a civil war in Iraq. The President must engage key nations like Syria, Iran, Saudi Arabia, Jordan and others in an effort to create a political solution in Iraq. The Nation opposes the ongoing war in America. There is still time for the President to change course, to reconsider his call for 20,000 more troops in Iraq, and to begin the redeployment of our troops and our forces now.

I salute those who continue to serve in Iraq. I salute their families and pledge to them my unyielding support and respect as we try to safely bring the war to an end.

Mr. President, listen to the people of the Nation which you govern. They have spoken, and they have spoken overwhelmingly. They reject the prolonging of the war in Iraq. They want our soldiers redeployed and brought home safely, and they want it done now.

Please, Mr. President, listen to the people of this Nation.

#### STATEHOOD FOR THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I come to the House to inform the House that I have today filed a bill to give full voting rights in this House to the people of the District of Columbia, who are second per capita in the Federal income tax they pay to support this government, this House and this Senate, and who have fought and died in every war since the creation of a Republic, including the outrageous war where we now serve.

I come in gratitude that the House is now governed by my own party, which for decades has supported not only what my bill today would afford, a vote in the House, but a vote in both Houses, and I come to thank my own caucus for that support. But I also come in some frustration and with

some impatience. I come in frustration that I am still a second-class citizen in my own House.

Until I can represent the people of the District of Columbia as a full American citizen, this frustration and impatience will continue.

I had hoped to be able to vote on the bills we all ran on that are now before the House. I came to speak today, but once again, when the vote came, I could not vote. I couldn't vote because I was not even allowed the vote in the Committee of the Whole that I won when the Democrats were last in power.

My people in the District have chastised me for even trying to get the Committee of the Whole vote. They perhaps recognize that it is a hubris that I wished at least to vote in this House as we convened, and they are perhaps right. They tell me, we are not in any way interested in another second-class vote, ELEANOR. It is time for first-class rights for the people of the District of Columbia.

So I accept their chastisement and pledge to them that I will not rest, now that Democrats are in power, until Democrats do as they have always said, that they sought power to do, to give votes to the people of the District of Columbia.

I have tried everything, I have tried statehood, I have tried Committee of the Whole. It is time to try the real thing, Mr. Speaker, when there are 650,000 people who pay their taxes and have met every obligation, and are not recognized as citizens in their own House and send somebody to the House that is not even recognized to vote on this House, not even in the Committee of the Whole.

I come to express their frustration, to say I am leaving all that behind. I have introduced the bill they want. I accept their chastisement. We want our votes. We want it in the 110th Congress, and we want it now. I speak for them as a woman who knows what it means to be a second-class citizen, and who, once she left the District went to law school, said, I shall never again be a second-class citizen. Yes, I grew up in segregated schools in this town, in segregated Washington. That is what it meant to be a second-class citizen. Now to be a second-class civics citizen, after 200 years, has become too much to bear.

So I have introduced a bill to make it absolutely clear, as my people have said I must do today, that there is boiling determination among the people of the District of Columbia to get this vote. Not in January. We have respected the right of the Congress to come forward with the bills that are of great importance to the country, but those of us who believe that the vote is basic, is basic to Democrats, is basic to America, I believe we should move on after January and finally keep the promise that at least Democrats have made to the House and that I commend Republicans for getting us very close to in the 109th Congress.

This is the 110th, Mr. Speaker. This is the moment of truth. This is the moment when the Democrats have not only the opportunity, but the obligation to give a vote in the 110th Congress to the people of the District of Columbia.

#### REMEMBERING QUINCY BEAVER, SR.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, it is with great sadness that I rise today to announce the passing of a great American, Quincy Beaver, Sr. Quincy had been a resident of Carson, California, for 38 years. His contributions to his community, the State of California, and the world are legend. He was a passionate advocate for justice and equality and devoted countless hours working in political, civil rights and labor union movements.

Quincy's community and social activism span nearly 7 decades. Upon receiving an honorable discharge from the military in 1945, Quincy returned to Los Angeles where he immediately began to serve his community. Given his passionate commitment to service, he was presented numerous accolades and awards that are too numerous to list.

But a few of Quincy's leadership positions, honors and awards include Chair of the Employment Labor Committee of the Los Angeles chapter of the Congress of Racial Equality, referred to as CORE, board member of the South Central Welfare Planning Council, board member of the Charles R. Drew Community Advisory Council, founding member of the Carson/Torrance NAACP, and Chair of the chapter's First Executive Board, member of the Compton and Long Beach chapters of the NAACP, and board member of the Campaign for a Citizens' Police Review Board.

Quincy was a major player in the creation of the Southern California Free South Africa movement and a founding member of the Martin Luther King, Jr., Democratic Club, and elected its first president in 1972.

He worked in numerous local, State and national political campaigns; and during the 1972 campaign, Quincy formed the Black Workers for McGovern. In 1984, he founded and served as chairperson of the 31st Congressional District Jesse Jackson for President Campaign.

For the last 44 years, Quincy was a member of the California Democratic Council, CDC, a state-wide organization of Democratic clubs where he held numerous positions in the organization, including immediate past president.

Quincy was married to Geneva Phillips, who was his friend, his confidant, his caregiver, and the love of his life. They shared a passion for community

service and grass-roots politics. He was the proud father of four children.

We will sorely miss Quincy's unswerving commitment to community service, quality education, to jobs and to safe working conditions for all people. We will certainly miss his community activism. Dear Quincy, rest in peace.

□ 2030

#### BLUE DOG COALITION

The SPEAKER pro tempore. The gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes.

Mr. ROSS. Mr. Speaker, I rise this evening on behalf of the 44 member strong fiscally conservative Democratic Blue Dog Coalition. We are a group of fiscally conservative Democrats that are committed to restoring common sense and fiscal discipline to our Nation's government. During the 109th session of Congress, we had 37 members; in the 110th session of Congress, we have grown to 44 members, 44 fiscally conservative Democrats that share my vision of putting America on a path toward fiscal responsibility, putting America on a path toward accountability, and putting America on a path that will restore common sense to our national government.

As you walk the Halls of Congress, as you walk the Cannon House Office Building, the Longworth House Office Building, as you walk the Rayburn House Office Building, you will see this poster, Mr. Speaker; and as you see this poster, it will be a symbol that you are walking by an office that houses a Blue Dog member. You will find 44 of these posters in the Halls of Congress to remind the American people and to remind the Members of Congress and to remind all of us as we walk these Halls that our Nation is one that is tragically in debt.

The current national debt of these United States of America is \$8,690,905,471,722, and actually 43 cents. I just didn't have room to put it on the poster. I ran out of room. And for every man, woman, and child in America, your share of the national debt is \$29,005.60. It is what we have coined in the Blue Dog Coalition as the debt tax, D-E-B-T tax. It is one tax that cannot be cut, that cannot be repealed until we get our Nation's fiscal house in order.

Mr. Speaker, you might be thinking, Now, didn't President Clinton leave us with a balanced budget, the first one in some 40 years? Didn't we have a balanced budget from 1998 through 2001? Yes, Mr. Speaker, we did. But in the past 6 years, this Republican President and this Republican Congress has given us record budget deficit after record budget deficit.

On this chart you will see the four largest deficits ever in our Nation's history. The first rank was 2004 when our Nation wrote \$413 billion worth of hot checks. The second largest deficit

ever in our Nation's history was in 2003 when our Nation wrote \$378 billion in hot checks. In 2005, it was \$318 billion. And in 2006, the President actually had a press conference to brag on the fact that he came in under projection and only wrote \$296 billion worth of hot checks, the largest deficit year after year after year under this Republican-controlled Congress that has given us the largest debt ever in our Nation's history.

As members of the fiscally conservative Democratic Blue Dog Coalition, we believe that the American people have given us the majority in this Congress because they want us to do something about it; and, Mr. Speaker, we have a plan. We have a 12-point plan to restore budget discipline and common sense to our national government.

Why is this important? It is important because if you think with me, Mr. Speaker, the total national debt from 1789 to 2000 was \$5.67 trillion; but by 2010, the total national debt will have increased to \$10.88 trillion. That is a doubling, a doubling of the 211-year debt in just 10 years.

Interest payments on this debt are one of the fastest growing parts of the Federal budget, and the debt tax, D-E-B-T tax, is one that cannot be repealed.

Mr. Speaker, the reason this should matter to every man, woman, and child in America is quite simple: deficits do matter. Deficits reduce economic growth; they burden our children and grandchildren with liabilities; they increase our reliance on foreign lenders who now own 40 percent of our debt. Let me repeat that: foreign lenders now own 40 percent of our debt.

Put another way, this administration and this Republican Congress over the past 6 years have borrowed more money from foreign central banks and foreign investors than the previous 42 Presidents combined. It is time to restore some common sense and fiscal discipline to our Nation's government.

Why? Why does it matter to the working families and seniors to this country? It is quite simple. Our Nation is borrowing some \$1 billion a day. We are spending one-half billion dollars each day paying interest on the debt we have already got before we increase it another \$1 billion today. And as you can see, the red graph is the increase we spend on your tax money paying interest on the national debt. The blue is how much we spend on education. Look at the difference. The red graph illustrates the amount of your tax money that is going not to pay principle but to pay interest on the national debt. The blue represents how much we are investing in our young people, how much we are spending on education. The green represents how much we are spending on homeland security. Tragically, the dark blue illustrates how much we are spending taking care of our veterans.

It is time this country gets its priorities in order, and I believe the American people on November 7 spoke loud

and clear in giving us a chance to lead in this Chamber, and we are ready to lead, and we are ready to lead with the Blue Dog Coalition's 12-point plan for budget reform.

Mr. Speaker, I mentioned that we have grown to 44 members in the fiscally conservative Democratic Blue Dog Coalition, and one of those members that has joined our ranks is the gentleman from Ohio, and at this time I would yield to my friend from Ohio, CHARLIE WILSON, for as much time as he would like to take.

Mr. WILSON of Ohio. Mr. Speaker, as Congressman ROSS said, I am a new Member, Mr. Speaker, and it is a pleasure to be here from Ohio. And one of the major concerns is the amount of debt that we have created in this country.

One of the reasons that I have joined the Blue Dogs is I like the idea of us having a balanced budget. I truly believe, Mr. Speaker, that Congress cannot buy on credit without being responsible for the credit card.

This is not the principle that I have lived by all my life as a successful businessman and these are not the principles that our government can run by. We need to be accountable. We need to be able to step forward and show what our money is being used for, and not to spend more than we have.

Each and every one of us has budgets within our home, we have budgets within our life that we use every day. We know that we have to live within our budget or we have bad consequences. Ladies and gentlemen, Mr. Speaker, there is no difference for us as a government. We have to live within our means. And to see the transformation that has happened in the last 6 years in going from a large surplus of \$400 billion to now a nearly \$9 trillion balance of debt, D-E-B-T as Congressman ROSS says, in our government.

It is time that we start saying to the Congress and to the administration we must live within our means. We have to know that the Blue Dogs are going to be watching and are going to be concerned, and one of the plans that has been set forth by the Blue Dogs is what we call PAYGO. That means that you don't buy anything that you are going to pay for to go forward until you decide what you are going to eliminate. It is just like each and every one of us does in our lives every day. We know that we can't just go out and buy anything, that we have to budget for it, we have to make an opportunity so that we are able to pay for it.

And so one of the new plans that you are going to be hearing coming out of this 110th Congress is going to be the PAYGO, that means that our spending must be paid for before we go forward. This is just one of the plans that the Blue Dogs are taking responsibility for to help us put a lid on the spending that is going on within our country.

I am so proud to join these other 43 people and now 44 of us in the Blue

Dogs in bringing about accountability and helping us to put spending caps on what is going on in our government. I am delighted to be one of the speakers today that is concerned about what is going on in our country and look forward to working to bring fiscal responsibility to this government.

Mr. ROSS. I thank the gentleman from Ohio (Mr. WILSON) for joining us on the floor this evening for the Blue Dog Special Order as we talk about restoring common sense and fiscal discipline to our Nation's government. And the gentleman from Ohio, a new member of the fiscally conservative Democratic Blue Dog Coalition, he mentioned that one of the things that we have done already in this 110th Congress under the Democratic leadership is reinstitute the PAYGO rules. That means pay-as-you-go. And on the very first day in the first 24 hours of the 110th session of Congress, we are very pleased as members of the Blue Dog Coalition that the leadership of this House under Democratic control chose to include in their rules package reinstituting the PAYGO rule, because that rule was in place from 1998 through 2001 when we saw a balanced budget in this country. It makes sense to me.

You know, 49 States require a balanced budget. Holly Ross requires a balanced budget at the Ross family in Prescott, Arkansas. We own a small business; we are required to balance the books there. And in our opinion, it is not asking our Nation too much to balance its books. And one of the ways that you begin the process of doing that is instituting the PAYGO rule, which means pay-as-you-go. If you have got a wonderful program, then show us what program you are going to cut to pay for it.

Now, I got a big kick last week during the debate on this very floor when Republicans jumped up and down opposed to reinstituting the PAYGO rule. When I was a small child growing up, I always heard it was the Democrats that tax and spend, and yet it was the Republicans over the last 6 years that has given us record deficit after record deficit, the largest debt ever in our Nation's history. And last week they said they were opposed, many of them said they were opposed to the PAYGO rule because it meant to pay for a new program raising taxes. They don't get it, Mr. Speaker. It is not about raising taxes; it is about cutting spending. It is about reducing the size of our government. It is about paying as you go. If you want to create a new program, show us which program you are going to cut to pay for it.

As members of the fiscally conservative Democratic Blue Dog Coalition we are sick and tired of the games; we are sick and tired of the partisan bickering that goes on at our Nation's Capitol. I don't care if it is a Democrat or Republican idea. All I care about is, is it a commonsense idea? Does it restore accountability and fiscal responsibility

and discipline to our Nation's government?

□ 2045

At this time I yield to Joe Donnelly, a Member of Indiana, a member of the fiscally conservative Democratic Blue Dog Coalition.

Mr. DONNELLY. Thank you, Congressman ROSS, for yielding.

I want to talk for a minute or 2 about what Congressman ROSS had mentioned. The foreign debt that we have now has doubled in the last 5 years to over \$2 trillion at this point. And you think of our country, and our country has been there to help and to finance so many others over the years. You think after World War II we helped put Japan back on its feet. We helped in Europe. And the sad fact is that right now Japan is helping us, that we are having to sell to Japan to help pay for our debt, selling our Treasury notes. And it is a sad fact that China has become one of the largest lenders to our country. And it is simply because we have not covered those costs that we have been running in our government.

I have two children, and I do not want to pass on to them the debts that we have been running up. I am proud to be a member of the Blue Dogs to try to change this direction.

You think of our small businesses in this country, and those small businesses are having to pay part of the fare for this debt that we continue to run up. The interest rates that we are paying on that are funds that could have been used to help small businesses. Back home in South Bend, Indiana, or in Rochester, Indiana, where I come from, those funds could have been used to help with the education of children in Michigan City or down in Logansport, Indiana. But instead those funds are used today to help pay the interest on the debts that we have run up. But with the Blue Dogs' help and with the Democrats' help, that is going to end.

What the people of this country are beginning to understand and what the folks back home in Indiana do understand is that we bring Hoosier common sense to this issue. Mr. ROSS. Congressman, what we are trying to do is make sure that we do the same things here in Washington that we do back home in Mishawaka, Indiana, and in our beloved State. We are going to stop the increase in the debt. We are going to see it lowered, and we are going to see those funds used to take care of our veterans, who need more help than ever. More come home every day with various issues. Our beloved troops that come home from Iraq, Afghanistan and all over the world, our funds need to be used for them, not to continue covering a debt that we continue to run up. We will end that debt. We will lower those interest payments, and they will be used to educate our children, take care of our veterans down in Delphi, Indiana, and throughout our country, and to set our country back on the right

course. That is what Democrat common sense will bring, and that is what the Blue Dogs promise to bring with us.

Congressman ROSS, thank you so much for this opportunity.

Mr. ROSS. Mr. Speaker, I thank the gentleman from Indiana, a new member of the fiscally conservative Democratic Blue Dog Coalition, for joining us on the floor this evening as we talk about our plan to restore fiscal discipline to our Nation's government.

Mr. Speaker, on November 7, the American people spoke, and they said they wanted a new direction for this country both here at home and abroad. And in speaking, they gave us, as Democrats, a chance to lead in this 110th Congress. And Mr. Speaker, we are ready, willing and able and prepared to do so.

And part of the way that we believe we can restore fiscal sanity to our National Government, it took 6 years to create this mess, and we can't fix it overnight, but we have a plan to begin to restore some fiscal discipline to our Nation's Government. And it is what we call the Blue Dog Coalition's 12-point plan for budget reform. And I am pleased to be joined this evening by the gentlewoman from Illinois, Ms. BEAN, who is going to join me in talking about some of these 12 points, and I now yield to Ms. BEAN.

Ms. BEAN. Thank you for yielding, Mr. ROSS from Arkansas. It is such a pleasure to be part of the Blue Dog Coalition. And our 12-point plan for budget reform is so important to get this country back on the right fiscal track. Fiscal responsibility is what our constituents, as taxpayers, expect from us and particularly what our children and our grandchildren expect from us as well. Their future depends on our making better decisions than we have been making.

I know just to the right of Mr. ROSS there is a little chart that he has probably already referred to before I joined him here on the floor.

Have you already put up the actual total of the national debt?

That is an important chart to look at because it is a staggering reality, as we have added trillions of dollars in recent years to our national debt. And when I meet with children in my district, when I go to elementary schools, middle schools and high schools, and I talk to kids a little bit about financial literacy and fiscal responsibility, I am embarrassed to admit that we haven't been demonstrating much of it here at a congressional level. And I share with these kids that their share of the national debt is, as you can see, over \$29,000. We are approaching \$30,000, each individual American's share of the national debt. It is just a gross irresponsibility that we have demonstrated, and we need to rectify that.

So I am proud of the leadership that the Blue Dogs has brought to our caucus and to this Congress to get back to pay-as-you-go budget rules because

pay-as-you-go budget rules have worked in the past on a bipartisan basis to force fiscal discipline amongst a body that includes 435 Members with different interests. It forces us to make the tough decisions so we can stay within our budget and work back towards a balanced budget.

Our 12-point plan includes, number one, requiring a balanced budget; number two, not allowing Congress to buy on credit; number three, putting a lid on spending; number four, requiring agencies to put their fiscal houses in order. Too many of our agencies, according to the GAO, 16 of the 23 major Federal agencies, can't even issue a simple audit of their books, and that is just unacceptable. You can't run a business that way. We can't run our personal household finances that way. How can we allow agencies to continue to not demonstrate exactly how they are spending our tax dollars?

Number five, make Congress tell taxpayers how much they are spending. Create a greater degree of transparency. Number six, set aside a rainy day fund. Number seven, do not hide your votes to raise the debt limit. There has been too much of that dishonesty in what we say we are doing and what we are really doing as far as how it shakes out in the overall national debt. Number eight, justify spending for pet projects. We have just moved forward on that in what we introduced recently in our rules to require Members to list any projects that they have put into a bill for their districts and to justify that on the merits of those expenditures.

Mr. ROSS. Mr. Speaker, reclaiming my time, I think it is very important that we point out that not only the PAYGO rule, which means pay-as-you-go, no more borrowing money from China to fund some project and let our children and grandchildren worry about it, but pay-as-you-go is one of the rules implemented during the first 24 hours of the 110th Congress under this new Democratic leadership. It is very significant because it is one of the 12 points of the Blue Dogs Coalition's plan for budget reform. But also another one of our 12 points that was included in those first 24 hours in the rules package is adding a level of transparency, justifying, if you will, pet projects or earmarks. I think it is very significant that, of these 12 points that you are reading off, two of them we have tried for years to get the Republican leadership to work with us in a bipartisan manner on this. And two of these 12 were included in the first 24 hours of the Democratic-controlled Congress. I think that is very significant, and I want to thank the leadership for including those.

Ms. BEAN. Mr. Speaker, it is very exciting to see us move forward on part of the 12-point plan, and I know we are going to continue to work hard to get even more.

And our next one I know we are also including is ensuring that Congress has



an opportunity to read the bills that they are voting on, and we have also changed in our rules where things are getting rammed through and people didn't have X amount of hours to look at those bills so they knew what they were voting on. That is number nine.

Mr. ROSS. Mr. Speaker, reclaiming my time, that reminds me that back when we were voting on the Medicare Part D prescription drug bill, now estimated to cost billions and billions and billions of dollars over the next 10 years, it went to a vote barely a day after the final version of the 500-plus-page bill was made to Members of Congress. We are putting an end to that. We are giving Members of Congress an opportunity to know what they are voting on.

Ms. BEAN. Absolutely. Number 10 is requiring an honest cost estimate for every bill that Congress votes on as well. The Congressional Budget Office can and should be providing that prior to voting on any expenditure so we know exactly what the long-term ramifications of that expenditure are going to be at least from an estimate perspective.

Number 11 is making sure that the new bills do fit within the budget. And number 12 is making Congress do a better job of keeping tabs on government programs and creating a higher degree of accountability and reports back to Congress on whether we are actually accomplishing what we say we are supposed to be accomplishing with those programs.

Mr. ROSS. Mr. Speaker, I thank the gentlewoman from Illinois for sharing with us the Blue Dog Coalition's 12-point plan for budget reform. And if time permits, Mr. Speaker, we will go into more detail on each of these 12 points. And the ones we do not get to tonight, you can expect us back next Tuesday night for this Blue Dog Special Order where we will continue to talk about these 12 points for budget reform because if we are going to clean up the mess in Washington, if we are going to put an end to the deficit spending, if we are going to begin to pay down the debt, we have got to have this 12-point plan in place. You give us this 12-point plan, Mr. Speaker, and we can give you a balanced budget once again in this country.

And, Mr. Speaker, if you have any comments, questions, or concerns for us, you can e-mail us at [bluedog@mail.house.gov](mailto:bluedog@mail.house.gov). Again, Mr. Speaker, if you have any comments, questions, or concerns for us, you can e-mail us at [bluedog@mail.house.gov](mailto:bluedog@mail.house.gov).

At this time, it gives me great pleasure to yield to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Thank you very much, Mr. Ross, for yielding. And to my fellow colleagues, it is such a pleasure to join you once again.

When we were here last, we were in the minority, and we said some things. We said what we wanted to do. We said some of the first things we would do

when we got here, and one of those was to address this serious problem of financial and fiscal responsibility.

I had some time to reflect on our history, and as we looked at the very first move that we made when we came back last week, one of our first measures was to establish pay-as-you-go, PAYGO. It is very interesting that this is not a new phenomenon. Not only did we have it in store when we had the Clinton administration and prior to that, but from the very foundation of our country, it was Thomas Jefferson. First, Thomas Jefferson was so against government debt and its inherent dangers that, back in 1789, in a letter that he wrote to James Madison and Alexander Hamilton, Framers of our Constitution, in that letter, Thomas Jefferson wondered in the letter as he wrote to Madison and Hamilton, he wondered this, whether, quote, "one generation of men has a right to bind another." And he came to his answer with an exclamation point in the letter: "No." He said that "the Earth belongs in usufruct to the living."

□ 2100

Jefferson concluded in this letter with these words. He said no generation can contract debts greater than may be paid during the course of its own existence. In other words, financial responsibility. Fiscal responsibility was at the cornerstone of this great Republic, of this great Nation, the cornerstone of a lasting and free Nation.

One generation of consumers borrowing and spending then hands that bill to the next generation, that get the benefits of spending the money in the present while passing on the debt to future generations, that is not what the Founding Fathers had in mind. And each generation as we move through our history paid down its debt before it moved on, oftentimes marked by war. In 1812, the debt was paid down. The Civil War, borrowed money, the debt was paid down. And into World War I and World War II when the debt really amassed up to \$62 billion, and yet over time and those generations those debts were paid down. All of the way up through the Cold War, even into the Reagan years, and up to Clinton, up to the year 2001.

But then after 2001 when this Republican administration took hold, in the 5 years that ensued, this President and the preceding Congress, controlled by Republicans, borrowed more money from foreign governments and foreign nations than the entire preceding 218 years of this country. From 1789, the year Thomas Jefferson wrote these words to caution us and set the pattern to pay as we go, here we are now with that big situation hanging over us of the borrowing from our debt.

And I mention that because we are now faced with that situation where we are borrowing this money, over \$1.5 trillion over the last 5 years, from countries in the most unstable regions

of the world: \$310 billion from Communist China; nearly \$700 billion from Japan; and nearly \$300 billion from the unstable OPEC countries in the Middle East which we are dealing with now. This is the background which we are having to deal with today.

Mr. ROSS. The gentleman makes an excellent point. You want to talk about something that is critical to our national security, it is this business that over the past 6 years we continue to cut taxes on folks earning over \$400,000 a year with money that we borrowed from foreign central banks and foreign investors, and left our children and grandchildren with the bill to pay.

The gentleman was ticking some of these off, but if I may, it is kind of like David Letterman and his top 10 list, the top 10 current lenders: Japan, \$640.1 billion; China, \$321.4 billion; the United Kingdom, \$179.5 billion. This is the amount of money the United States of America has borrowed from foreign countries to fund tax cuts in this country for folks earning over \$400,000 a year.

The voters on November 7 said it is time for a new direction and new priorities in this country, and we are going to give them to the American people. But to continue the list: OPEC, \$98 billion, and we wonder why gasoline was approaching \$3 a gallon in August; Korea, \$72.4 billion; Taiwan, \$68.9 billion; the Caribbean banking centers, \$61.7 billion; Hong Kong, \$46.6 billion; and Germany, \$46.5 billion; and to round out the top 10 current lenders to the United States of America, and you are not going to believe this, Mexico, \$40.1 billion.

This administration over the past 6 years has borrowed more money from foreign central banks and foreign investors than the previous 42 Presidents combined, and that is why we rise tonight as members of the fiscally conservative Democratic Blue Dog Coalition to talk about leading America in a new direction, a direction that will restore fiscal discipline to our government; and the way we achieve that is through our Blue Dog Coalition 12-point plan for budget reform.

Mr. SCOTT of Georgia. Mr. Speaker, it is important that we remind people that not only are we talking about the billions of dollars that we just articulated we are borrowing from these foreign governments, more than we borrowed over the last 218 years, but the interest, the money that these folks are making off of us now constitutes the fastest growing part of our budget. We are spending more just paying for the money on the interest that is being charged than we are spending on education, the environment, and veterans at a time when our veterans are making such fantastic contributions and at a time when there needs to be a greater emphasis placed on those who have been on the battlefield and are coming home, and we are spending more on the interest there.

Let me just finalize this for a moment, and I just want to mention because we are here and we talked about what we wanted to do. Pay-as-you-go was one of the deals we made. We passed earlier today the 9/11 Commission recommendations. We have worked on so many other things, but I do want to just mention the earmark reform legislation that we passed, and just to share with the American people what we have already passed in our earmark reform.

It will require committees to disclose the sponsors of any earmarks included in appropriations authorizing measures such as the highway bill and the tax or trade legislation that benefits 10 or fewer. We will have new rules that will prohibit trading earmarks for votes and require Members to disclose their earmark request and certify that they and their spouses have no personal financial interest in the requests. These provisions comprehensively require committees of jurisdiction and conference committees to publish lists of the earmarks, limit tax benefits, and limit tariff benefits, along with their sponsors contained in the reported bills and the managers' amendments and conference reports brought to the House floor for consideration.

A Member may make a point of order against consideration of any rule that waives this requirement. The rule defines an earmark as any Member-requested project that is targeted to a specific place and falls outside of a formally driven competitive process. Transparency, clearness: this is what the American people want. And I am proud to see us in our first week of action be able to pass these important measures that bring about good strong stewardship of the taxpayer money.

Mr. ROSS. I thank the gentleman from Georgia, a real leader within the fiscally conservative Democratic Blue Dog Coalition for joining us this evening on the House floor as we talk about this new direction for America.

The American people have spoken, and they have told us that it is time for a change. They have given us Democrats an opportunity to lead them in a new direction. I am proud of what we have accomplished in the first few hours of the 110th Congress. We have instituted the PAYGO rules, the rules that say if you are going to spend money, you have to show us how you are going to pay for it, the rules we had in place when we had a balanced budget in this country from 1998 until 2001.

You are seeing us put in place earmark reform, a greater level of transparency and knowing clearly who is asking for the money and where it is going and who is benefiting from it.

Second in our Blue Dog Coalition's 12-point plan for budget reform, in the first 24 hours of this new Congress, we are making progress. We have heard the American people. They have given us an opportunity to lead, and we are demonstrating we can do that. In the first 100 legislative hours, we are pass-

ing the 9/11 Commission recommendations that were not implemented in the 109th Congress under the Republican leadership. We are raising the minimum wage, which is something I am very excited about.

Mr. Speaker, if we are serious about moving people from welfare to work, we have to pay them more than \$10,712 a year. That is what the Federal minimum wage in this country represents if you work 40 hours a week, 52 weeks a year, never get sick and don't take a single day off for vacation. We can do better than that by America's working families, and we will. We will this week, the first full week of the 110th session of Congress.

We will pass legislation on the floor this week that tells our government that, yes, it can negotiate on behalf of 40 million seniors with the big drug manufacturers to bring down the high cost of medicine. The American people on November 7 gave us an opportunity to lead. And in these early hours of the 110th Congress, and as members of the fiscally conservative Democratic Blue Dog Coalition, we are demonstrating that we are ready to lead and that we are leading America in a new direction.

Again, Mr. Speaker, the national debt, \$8,690,905,471,722. Let's think about this, \$8,690,905,471,722.43. The 43 cents wouldn't fit on the poster. For every man, woman and child in America, to get us out of this mess, everybody in America would have to write a check for \$29,005.60. That is why we must restore common sense and fiscal discipline to our Nation's government.

Mr. Speaker, as you walk the Halls of Congress, you will know when you are walking past the door of a Blue Dog Coalition member because you will see this poster; and, unfortunately, you will see this number change each day. We are going to do our part to hopefully see this number go down as we push for a balanced budget in this country, as we push for the day when we can see a balanced budget in this country, as we push to restore fiscal discipline and common sense to our national government and its budgeting process.

Mr. Speaker, I am pleased to introduce another new member of the 44 member strong fiscally conservative Democratic Blue Dog Coalition, the Congressman from Florida, Mr. MAHONEY.

Mr. MAHONEY of Florida. I thank my good friend from Arkansas.

Mr. Speaker, I rise today on behalf of Florida's 16th Congressional District and am a proud voice in support of restoring fiscal discipline to Congress. I am very proud to be a Blue Dog.

When I was thinking about what I wanted to talk to the American people about tonight, I decided that the best way to share my feelings, my views in terms of fiscal discipline and why I am a Blue Dog, gets back to something that is near and dear to me.

Just a week and a half ago, I was a businessman. I had never held an elect-

ed office. And the reason I decided to leave private life and come to Congress is because I was worried about government's out-of-control spending that was hurting our economy. More importantly, that was hurting our innovative economy, and to make it very simple for all, was hurting the future of my daughter and all of the children of this country if we don't get our fiscal house in order.

When I take a look at the Blue Dog plan, the 12-point plan for budget reform, I look at the points and I think back to my experience as a businessman. There are several things that I would like to highlight tonight that I can relate to, and every American involved in a business can relate to.

The first point is point number one on the plan which requires a balanced budget. In business it is requiring a profit. A balanced budget is something that makes sense for government, it makes sense for business, and the Blue Dogs are proposing that we make a balanced budget a constitutional amendment requiring that this House, that this Congress, balance the books.

The second thing I would like to talk about is point number four which requires agencies to put their fiscal house in order. That is really getting into financial control. As my colleague from Illinois, Congressperson BEAN, pointed out, 16 of 23 major Federal agencies can't issue a simple audit of the books. That is unacceptable in business, and that should be unacceptable here in Congress.

What the Blue Dogs propose is that we would propose legislation that would freeze any Federal agency that can't properly balance their books. We would not allow it in business, and we shouldn't allow it here in Congress.

Point five, we want to make Congress tell taxpayers how much they are spending. This gets to a concept in business called management accountability. What the Blue Dogs are proposing is that any bill that calls for more than \$50 million in new spending must be put to a roll call vote. By putting it to a roll call vote, what that does is it forces every Member of Congress to stand up and go on record for their constituents to see how fiscally responsible they are.

The next point I would like to highlight is point number ten which requires honest cost estimates for every bill that Congress votes on.

In business, we call this a business plan. Prior to undertaking any new endeavor, what a competent manager would ask for is a plan that sets out the goals and objectives of the proposed venture, in this case a proposed piece of legislation.

And then as part of that plan, he would ask to have a cost estimate of what the investment would be. That is a very important issue.

What the Blue Dogs propose is that every conference report and bill that comes to the floor of the House be accompanied by a cost estimate prepared

by the nonpartisan Congressional Budget Office.

□ 2115

These are just a few of the points, a few of the agenda points that the Blue Dog coalition is working on.

Let me reiterate what many of my colleagues have said. Fiscal responsibility is a critical issue. It is an issue of competitiveness. It is an issue of making sure that our children are not being taxed with runaway budget deficits. People that say it doesn't matter or it is not as important as a percentage of GDP are wrong, and I am proud to be part of a group, the Blue Dog Coalition, that is committed, Mr. Speaker, to addressing these issues in the 110th Congress.

Mr. Speaker, I yield back to my good friend from Arkansas.

Mr. ROSS. Mr. Speaker, I thank my good friend from Florida, Mr. MAHONEY, for his leadership on these issues and his experience as a business person that he brings to this Congress. I appreciate his perspective and I appreciate his membership in the fiscally conservative Democratic Blue Dog Coalition.

Mr. Speaker, in the time we have remaining, I want to spend some time talking more about the 12 point plan for budget reform, about our vision to restore fiscal discipline to our Nation's government.

Again, Mr. Speaker, if you have any comments, questions or concerns for us, you can e-mail us at [bluedog@mail.house.gov](mailto:bluedog@mail.house.gov). That is [bluedog@mail.house.gov](mailto:bluedog@mail.house.gov).

I am delighted to be joined tonight by a number of our 44 member strong, fiscally conservative Blue Dog Coalition Members. At this time I believe we are going to open it up for a colloquy, and I yield to the gentleman from Indiana, Mr. DONNELLY.

Mr. DONNELLY. Thank you, Congressman ROSS.

Mr. Speaker, the question that came to mind while I was sitting here with my colleagues is this: What do you think our moms and dads would think if they were here today and we said to them, we owe money to Mexico, we owe money to China, we owe money to Japan, we owe money to all these countries. Your grandchildren will owe \$29,005 each to help cover the national debt.

My wife's folks, her dad fought in World War II, Bougainville and Guadalcanal, to help preserve freedom in this world. Her mom was in the WAVES. My dad was in the Navy. When they came home, they thought America's role was to help build others. They wouldn't believe what they see today here in our country.

I was wondering what some of my colleagues think, and you, Congressman ROSS, your comments on that.

Mr. ROSS. I want to thank the gentleman from Indiana for his commitment to putting an end to these record deficits in our Federal Government.

The gentleman is absolutely right. I grew up in a small Methodist Church outside of Prescott and Hope, Arkansas, Midway United Methodist Church, and I can remember Sunday after Sunday after Sunday growing up where the preacher would talk about being a good steward, that was always before he passed the plate, and the preacher would talk about being a good steward.

Well, the American people have sent us here and had us raise our right hand and put our left hand on the Bible and take the oath of office and pledge, swear to uphold the Constitution, and, yes, be good stewards of the American people's tax money. That is really what this is all about.

I think it is very important, the work that we are doing as members of the fiscally conservative Democratic Blue Dog Coalition, and trying to be good stewards of the tax money of the people back home and to make sure it is spent wisely and to make sure it is accounted for.

I yielded to the gentleman from Ohio, Mr. WILSON.

Mr. WILSON of Ohio. Thank you, Congressman ROSS.

Mr. Speaker, I would like to just speak for a moment, if I could, in regard to putting the lid on the spending. One of the things that we all know we came here to do is to stop the runaway inflation and debt that is just climbing up in our country on a regular basis.

The thought that spending from the year 2001 to 2003, total government spending, Mr. Speaker, increased by 16 percent, these types of raises and just continual going into debt is what has put our country where every man, woman and child now is at the level of \$29,005.

We need to have the right kind of controls, and I believe in Ohio, Indiana, Florida, certainly please speak out as to what you feel the issues are in your State and what we can do about it.

Mr. SCOTT of Georgia. If the gentleman will yield for a moment, I would like to respond to your point, because we owe it to those generations. That is one of the reasons why I spoke out and set the stage for my remarks, to go back to the beginning of this country, when the foundation of this country was laid out. That is what has made us great. We honor our debts. That is what Hamilton and that is what Jefferson and that is what Madison were all about.

You talk about your parents and your grandparents. What would they say? What would my grandparents say? They would say, by George, we love this country. This is our country. We are hoping and we are praying that the Congress will stand and get it right.

As I looked at the polls in Georgia, we had a rainy day in the election down in Georgia, but when I looked over the precincts, I could see that it wasn't 25 or 30 percent turnout, in that rain there was 50 and 60 and 70 percent turnout. The people in this country love this country, and they know that

we need a new direction, and the first order of this new direction is to get our finances in order.

Your parents brought you up, my parents brought me up saying watch your money, son. Work hard. Save it. Invest it. Make sure you honor your debt. That is what they would want us to do.

Mr. ROSS. Mr. Speaker, I yield to the gentleman from Florida (Mr. MAHONEY).

Mr. MAHONEY of Florida. Mr. Speaker, I also would like to address the question, but from a slightly different perspective, and that has to do with again one of the reasons I think the Democrats are now in control of the House and the Blue Dogs have such a great opportunity, and it gets back to a fundamental issue of ethics, it gets back to a fundamental issue of values.

It is very clear that this House for the last 6 years has been operating under a different set of standards and ethics than the American people. It is very clear that this House does not take responsibility for its work in terms of the bills and the cost of the bills and the budget. These are not our values.

What I would say to my parents tonight is this, and that is this Congress is committed to fiscal responsibility and this coalition is committed to fiscal responsibility. It is very important that the American people understand that their elected officials have to operate under the same rules that they have to operate under when they balance their checkbook every month around the kitchen table. That is important, that we achieve that kind of fiscal discipline. It is important that the American people understand that this Congress is committed to it.

Mr. ROSS. Mr. Speaker, I want to thank the gentleman from Florida for that perspective as we discuss something that is very important to our Nation, and that is how we get our fiscal house back in order after 6 years of reckless spending. We believe we have a plan to do it. That plan is now being implemented.

In the first 24 hours of the 110th Session of Congress we saw the PAYGO rule implemented, which can give us a balanced budget again. It worked before. It can work again. And we saw transparency, a new level of transparency added to earmark reform.

Mr. Speaker, I yield to the gentleman from Illinois (Ms. BEAN).

Ms. BEAN. Thank you so much, Mr. ROSS. It is a pleasure to be here with my colleagues. Colloquy is always a fun way to communicate on things that we have common concerns about.

I thought Mr. SCOTT led this conversation so well when he talked about Jefferson's quote about our responsibility to future generations. He knew that as a founder of this great Nation, and we still have that responsibility to future generations.

We teach our children that if they make a mess, they ought to clean it up.

Yet we have made a mess of this Nation's finances, and we need to start now, and we have started in this first 100 hours in the Democratic majority to address that mess and clean it up. The expression is "pass the buck," but what we have instead been doing is passing the debt. We should not be passing trillions of dollars to future generations with "borrow and spend." Instead, we should pay as we go.

Mr. ROSS. Mr. Speaker, I thank the gentlewoman from Illinois for that perspective.

It is wonderful to be joined this evening during the Blue Dog special order by a number of new members of the fiscally conservative Democratic Blue Dog Coalition. I believe we have had three, and this will be make four new members join us for this discussion and this debate here on the House floor this evening.

I am pleased at this time to yield to the gentleman from Pennsylvania, PATRICK MURPHY.

Mr. PATRICK MURPHY of Pennsylvania. Thank you, sir. I appreciate the opportunity to speak here tonight amongst my colleagues here in the Blue Dogs.

When you come down to Washington, you align yourself with people that are just like you, people that represent not just you personally, but your district back at home and your interests in your district back at home.

When Congresswoman BEAN talked about Thomas Jefferson and the future generations, I couldn't help but think that I kissed this morning when I came to work my baby daughter goodbye for the day, Maggie Murphy. I mentioned earlier she was born 6 weeks ago.

When you look at that bottom number there that the Blue Dogs fight for, that \$29,000, every newborn in America is born into that debt, that \$29,000 apiece, they are born into that debt, and this Congress previously just let it keep rolling and rolling and growing and growing.

Finally the Blue Dogs have arrived now, and the Blue Dogs are saying, listen, we are not going to take it anymore. We are putting our foot down. We are going to be disciplined.

That discipline is something I learned personally in the military, that families in my district in Bucks County, Pennsylvania, know about, because in my district we have Washington's Crossing, where those soldiers that started the Revolution, that really earned our independence, showed the discipline when they didn't have the best uniforms. They didn't have the best equipment, but they had a belief, and they stood by their beliefs.

That is exactly what the Blue Dogs do, and they keep it simple. They say we stand for two things: Fiscal discipline, fiscal responsibility; and, number two, a strong national defense.

That is why it is an honor that the families in the Eighth Congressional District, they know that their congressman, in myself, in PATRICK MUR-

PHY, and our colleagues of the Blue Dogs, that we stand for something, and that we will fight every single day to bring down that number, so that when people like Maggie Murphy and other newborns in Lower Bucks Hospital and all over America, when they are born into our great country, and it is a great country, they are not born \$29,000 in debt.

Mr. DONNELLY. Mr. Speaker, if I could say one other thing to the American people, and that is the gentleman you just heard from from Pennsylvania is also an Iraqi war veteran, a member of the 82nd Airborne, and the folks of Pennsylvania and this country can be very, very proud that PATRICK MURPHY is here in Congress with us today.

Mr. ROSS. Mr. Speaker, I thank the gentleman from Indiana, and I yield to the gentleman from Georgia, Mr. SCOTT.

Mr. SCOTT of Georgia. Thank you very much, Mr. ROSS. It is indeed a pleasure to be here with everyone, as I said earlier.

I think in conclusion tonight it is very important that we let the American people know that we very soberly understand this charge that has been handed to us as Democrats to lead in this Congress, and we also understand why and we handle that responsibility with great care.

One of the things that it is important for us to point out, when they ask what can we do and what is expected of us, is to stand up for the American people finally at last and lift up our way of life.

We have two duties to do under the Constitution as Members of Congress and they are expecting us to use these tools and do them well, and these tools are, one, oversight. Through our ability to oversee this government we can make these changes happen. The other is appropriations, to handle their money as good stewards. These are the things that we are committed to do, and this is how we will get to the new direction that the American people expect us to get to.

Mr. ROSS. Mr. Speaker, I want to thank the many members of the fiscally conservative Democratic Blue Dog Coalition for coming to the floor of the House of Representatives this evening and joining me for a discussion on how we can restore fiscal discipline and common sense to our national government, how we can bring this number down, Mr. Speaker. As we conclude, I will remind you in that this number actually went up by some \$40 million during the hour that we have been here on the floor this evening.

□ 2130

#### TAX INCREASES

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 60 minutes.

Mr. SHUSTER. Mr. Speaker, it is certainly an honor to be here on the House floor, and it is a great opportunity to

follow the Blue Dogs tonight, that coalition on the Democratic side that are talking about fiscal responsibility, because that is what I want to also talk about tonight. It is an extremely important issue. It is a pocketbook issue. And one I didn't hear mentioned too frequently by my friends in the Blue Dog Coalition has to deal with taxes and what we are responsible for here in Washington, which is spending, and also making sure we are not reaching too deep in the pockets of the American people and spending their money.

Quite frankly, Mr. Speaker, I am very concerned that the American people are unaware of what is going to happen here in Congress in the next 4 years. There is a countdown. The countdown begins. It is 1,452 days, and we will see over that period of time the tax cuts that we put in place as a Republican majority, they will expire. So the American people, over the next 4 years, will see a \$200 billion tax increase, money that will be taken out of their pockets.

The Democratic majority doesn't even have to act. They can just run out the clock. I am not sure the American people realize that, that if the Democrats don't act to extend these tax breaks, that they will see this \$200 billion tax increase occur, as I said between today and January 1, 2011. As I said, I appreciate the Blue Dogs coming here and talking about fiscal responsibility, but unless they act and they join with the Republicans to see these extended, that is what the American people face.

What do these tax cuts mean? They mean that over the last 4 years we have seen 7.2 million jobs created in this country because of those tax cuts. Just in the month of December, 167,000 jobs were created in this country. The unemployment rate in this country is down to 4.5 percent. That is the lowest average it has been in four decades, and that is directly attributable to the tax cuts that we passed over the last 4, 5, or 6 years in this Congress. Again, if we don't extend them, if we don't do the responsible thing and let the American people keep more of their money, there will be dollars taken out of their pockets.

Now, what has happened with those tax cuts is that the American people have gotten to keep more of their hard-earned dollars. The American people, from Pennsylvania, to Arkansas, to California, to Arizona get to keep their money in their pockets and get to decide how that money is going to be spent. It is not going to be spent in Washington by bureaucrats. When you get \$2,000 or \$4,000 more in your pocket a year because of these tax cuts, you decide whether you will use it as a downpayment on a car, save the money for your children's college education, or buy a new washer and dryer or refrigerator for your home. These are the things the American people want to be able to purchase, and they can do it with these tax cuts.

As I said, I am very, very concerned that we are going to see this \$200 billion tax increase if we don't move forward to expand that. We had four major tax relief packages since 2001. We cut taxes on the American taxpayer in every walk of life. Across the board, every American has benefited by this. We eliminated the marriage penalty tax. We stopped penalizing people in this country for being married. We should be encouraging that in America: marriage. We doubled the child tax credit from \$500 to \$1,000. If we don't act to extend that, that will be cut in half over the next 4 years.

We removed 10.6 million low-income Americans from paying taxes all together. People are not paying taxes because we lowered those tax rates. We lowered tax rates on our small businesses and employers.

I know every single district in this country has numerous small businesses. It is the backbone of the American economy. And we have cut taxes for those people in small business, and they have been able to take that money and reinvest it in their businesses and their employees. I know full well because before I came to Congress I didn't serve in the State legislature, I wasn't a trial attorney, I was a small business owner, and I worked to employ between 30 and 40 people. I know what it is like to meet a payroll, and I know what that burden is like to have to pay crushing taxes. I know what it is like to make sure my bills are being paid every month.

So as a small business owner, I know firsthand. As a family man, as a father of two children, and a daughter that will go to Penn State University next year, I know it is important to save for college. Every American wants to save money to help their children get educated. As I said, I think it is extremely important that we here in Congress act responsibly to keep those tax cuts in place and there is record revenue coming into Congress.

I hope that the Democrats will take a lesson from history, from one of their own, Jack Kennedy, in the 1960s. President Kennedy did the right thing. He cut taxes. What happened? Revenues increased to the government. What happened in 1980, when Ronald Reagan did the same thing? He cut taxes and revenues increased to the Federal Government. And we did that again in 2001 and 2003. And what happened? History has repeated itself. Revenues are at the highest levels that they have ever been to the Federal Government.

So once again, I am absolutely committed, and we are going to be coming to the House floor week after week talking to the American people, reminding them that if the Democrats do not act, do not aggressively pursue the extension of these taxes that the American people will be penalized.

And I think that here in this next hour I am going to be joined by many of my colleagues who want to stand up and talk about this. And the folks com-

ing down to the floor, most of them, if not all of them, are former small business owners or still own small businesses and have families and raised families, so they can talk to the issues that we are here talking about tonight: what it means to get \$2,000 more a year in your pocket, or \$4,000 or \$5,000, or have lower tax rates, if you are running a business.

I will now invite some of my colleagues up, the gentleman from Tennessee (Mr. DAVIS). I yield to him.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I thank Mr. SHUSTER for giving me this opportunity. I too am a father of two and a small business owner, and I am truly honored to have this occasion to discuss my ideas. This open discussion is part of what makes us so great as a Nation.

I am from the First District of Tennessee. It is a place of beautiful, majestic mountains, thriving communities, and a growing economy. Northeast Tennessee has unrivaled beauty and unsurpassed potential. However, the beautiful First Tennessee District and our country could be headed toward economic danger. For instance, in the last week, the three-fifths majority required to raise our taxes has been removed by the Democrat Party.

Tax cuts are not permanent. Seemingly, it is only a matter of time before these massive tax increases are put in place. It is our responsibility to protect the American people from these unnecessary tax burdens. If the tax cuts that are in place are allowed to expire, some families could see an increase in taxes up to 39 percent. Married couples and families will once again be subject to the tax penalty.

As I speak tonight, time and time again history has proven that tax reductions have spurred economic resurgence. Our current economic figures once again prove this fact. With the tax cuts in place, real after-tax income has risen 9.6 percent since the year 2000. The United States has grown faster than any other G-7 industrialized nation over the past four quarters. The time to control spending and to make tax cuts permanent is now.

I will be joining many of my colleagues in signing a letter to President Bush encouraging him to veto any legislation implementing tax increases on working people and on the businesses of America. It is not the time to place greater financial burden on the families of the First District of Tennessee nor the many other people of this great Nation.

Mr. SHUSTER. I thank the gentleman from Tennessee and would just point out that, as the gentleman said, he is a father, and I understand that he was a hospital manager before he started his own business. So he knows firsthand what it is like to be out there meeting a payroll, facing the tax burden of this country. So I really appreciate not only that you are here in Congress and you bring a common-sense, a small business owner's per-

spective to the legislative process, but you are here tonight talking about these issues that are going to be vital to not only people in Tennessee and Pennsylvania but across this country. Every American is concerned about their tax bill.

It was interesting, the Blue Dogs were down here talking this evening earlier and they said America voted for a change. America did vote for a change, I believe. But I don't believe that I heard anybody in America, at least not in my congressional district in Pennsylvania, or across Pennsylvania, who said they wanted to vote for higher taxes. I am very concerned.

As you mentioned, they changed the rules. We had the rules in place where we had to have a three-fifths majority to pass tax increases. They have reduced that to a simple majority. That obviously means they need only 218 votes. The Blue Dogs were talking tonight there are between 40 and 50 members of the Blue Dogs. I hope they hang with us as we try to push the agenda to keep the American taxpayers, keep the American people with those tax cuts in place.

Again, Mr. DAVIS, thank you very much for coming down tonight.

Mr. DAVID DAVIS of Tennessee. Thank you.

Mr. SHUSTER. Mr. Speaker, it is now my pleasure to yield time to the gentleman from Texas (Mr. NEUGEBAUER), who again comes from a business background, somebody who has raised a family and brings a businessman's common sense here to the legislative process.

Mr. NEUGEBAUER. Well, I thank the gentleman from Pennsylvania, and just like him, I haven't been in the State legislature. I have been a small businessman all of my life.

What we know about small businesses is that they are the number one job creator in America. As we heard the gentleman say awhile ago, over nearly 7 million new jobs have been created in this country in the last 3½ years. Quite honestly, most of that has been from small businesses all across this country.

One of the things that a lot of people don't know that have not had their own business is that small businesses are also big taxpayers. What they do not also realize is that in some cases we ask our small businesses to pay more taxes than we do other folks. That is because our small business people, in addition to income tax, have to pay self-employment tax.

The way you build a business in America is that you do it by taking money that you are making and reinvesting it in your business, and that is the way you grow your business. It is these growing businesses in America that have been growing America.

When I first got in the home building business, I had a young man who was a plumbing contractor, and he too was starting his new business. And he was starting it with basically one truck

and a helper. So when we started together, I had a small building business and he had a small plumbing company. What I watched my friend Bobby do over the years is build his business one truck at a time. He would work hard and pretty soon he had built up his business and he had to go buy another truck. You know what happens when a plumbing company buys another truck? They have to hire what? More people. And pretty soon he worked hard and he had to buy another truck. And you know what happened when he bought another truck? He had to hire more people.

But Bobby couldn't have bought those trucks if he hadn't been building his business, having money and capital in his business to be able to go to his banker and say, you know, I am building a business here and I have equity in my business. But what happens is the American Government says, oh, Mr. Small Businessman, you are making money, so we are going to reach in there and in some cases take half of that small business's money. So that causes the business to grow at half the rate as it could if it wasn't paying exorbitant taxes.

I would say to the gentleman from Pennsylvania, as you know, it is not just Big Government taxing, but it is the regulation that also our small businesses all across the country are worried about. When you add onto small businesses not only the carrying of a tax burden, but all of the burdens of regulation that we put on these small businesses, and on top of that you put a lawsuit environment in this country that on any given day a small businessman can lose his business, I say to my friend that small businesses are about to be entered onto the Endangered Species List.

□ 2145

Because, quite honestly, we have policy in this country that is not friendly to small businesses, the very businesses, the very people that have built this great Nation. And so when I hear folks on the other side of the aisle talk about we have a plan, well, I hope that plan is not to continue the trend that they have done in the past, and that is taxing small businesses out of existence. And you get a little nervous when they change the rules in this House that, as the gentleman said a while ago, that instead of taking three-fifths of this body, it only takes a simple majority to increase taxes.

Now, I do applaud our friends, the Blue Dogs, for one of the things that they said tonight, and that is that we do need to do something about deficit spending in this country. And I am ready to join across the aisle with my friends and say, let's do that by addressing spending.

If you really want to do good things for America in the future, you don't do it by taxing our small businesses out of existence. You do it by making America a more fiscally sound country. You

ask the American Government to do the same thing that these small businesses do. They are not able to, whenever they need more money, to go get it from somebody else by just reaching in. You don't go to a customer after you finish the job and say, "you know, what, I told you it was going to be one price, but I am going to charge you another price." You don't keep your business very long. So I want to join our friends to do that. But I do not want to join our friends on a path of taxing because I would tell you, in 2003, the unemployment rate in America was 6.1 percent. Today it is 4.5 percent. More people are employed today in America than any other time in the history of this Nation. More people own homes today than any other time in the history of this Nation. This is a prosperous time. And we got here by leaving the decision on how people spend their money to the people who make the money and not big government. Big government doesn't grow America. Americans grow America.

I thank the gentleman for having this time tonight, and I look forward to continued dialogue with my colleagues as we really talk about making sure that our American businesses don't end up on the endangered species list.

Mr. SHUSTER. I thank the gentleman from Texas. And when you talk, I think a lot of folks here in Congress, I think, forget about the stories that you talk about, the plumber who starts out with a truck and all of a sudden he has enough business, he buys two trucks, then three trucks. And that is what small business in America has been doing over the last couple of decades. That is where most of the jobs are created in this country, in small business by that plumber or that person who has an idea that works hard and puts together a plan and goes to the bank and borrows some money. And I know when I first went into business back in 1990, I bought an existing business, borrowed a lot of money, went into debt, worked hard. And something that I learned in college in accounting is that cash and profits aren't the same thing. And a lot of people, I think they say, and I realized that lesson, I learned it in accounting, but it really didn't make an impact on me until my first year I had a profit in business and thought, oh my goodness. We had a great year. And then I realized that I had to pay this tax bill, but all my cash was tied up in my inventory and improving the physical plant and doing things to make business continue to grow. But I didn't have the cash. So I had to keep the debt up; had to figure out how to get that money to pay taxes. So it really puts a tremendous burden on small business when you have a high tax burden.

And, as you pointed out, American business, small business, is really the backbone of this country. So I appreciate the fact that you are another small business owner and that you,

like myself, didn't serve in the legislature before, and you bring that perspective of a small business owner, of a business owner of someone that has been out there meeting payrolls and creating jobs in this economy.

It is now my pleasure to yield to another great Texan, Mr. CONAWAY, from Texas, who is the resident CPA in the House tonight. So I am sure we can learn a few lessons from him. So with that, Mr. CONAWAY, thank you.

Mr. CONAWAY. I thank my colleague for doing this hour tonight. And if I really want to put the colleagues in the House to sleep, we can talk about Internal Revenue Code sections and those kind of things. I will have you dozing off quickly.

Mr. SHUSTER. But I would ask the gentleman at some point to talk about cash flow and the difference between profit and cash because that is an awakening process.

Mr. CONAWAY. Exactly, something that most everybody understands.

When I came to Congress, actually, my first race was against my good colleague, RANDY NEUGEBAUER. He and I campaigned against each other and, quite frankly, campaigned the way Republicans ought to campaign against each other, and that is why you should vote for me, and he stuck to why you should vote for him. And one of the reasons that I thought folks should vote for me was that I thought the small business mind set or experiences were underrepresented in Congress. Now, I hadn't done any empirical research. I just made that up. It sounded good. I thought, from having watched the way things going on out here, I just thought it was the case. But RANDY won the first one. He was a small business guy. He won that first race, and then I was fortunate enough to win a race, and we now serve together. And I suspect he has found, like I did, that that was a lot truer than I had even thought about; that there really is a real lack of appreciation of how hard it is to make a buck.

Not to denigrate anybody's path to this place, but I think folks who have worked in the real business world, who have, as you said, met payrolls and been responsible for both sides of a budget; it is easy to budget if you are in government and all you are worried about is how much you spent because you know that you can collect it from somebody. You have got a sheriff someplace that will go collect it if need be. We have got a big gun that we will point at folks and take that money away from them.

But in business, you have got to worry about both sides. You have got to figure out how to do some service or put together some product that you can sell to somebody else for a profit. And then you have got to hold your costs down and all those kinds of things, all those decisions that go into that.

I had 32-plus years in business as a CPA. I had a, from a variety of clients,



from really big clients to really small mom-and-pop shops.

We have got a colleague that is going to talk in a little bit that is a doctor. One of the closest things that I had to being a doctor-like experience and telling somebody they have had a terminal illness was each year when I would have to go to my dad, who ran a small business in the oil field service company, and tell him what his taxes were going to be. I dreaded that like the plague because it was my fault. I was his accountant. And even though the Congress and the Internal Revenue Code were done by Congress and implemented by the Internal Revenue Service, I was the bad guy. I had to go tell my dad that he owed more money in taxes than he really wanted to pay. And he would constantly say, well, how do I not pay those taxes? How do I get out of doing that?

I heard an interesting phrase the other day that fines are a tax on criminal activity; taxes are fines on successful activities.

Every time we spend a buck in here, and we spend a lot of bucks, \$2.7 trillion, I try to not lose sight how hard it is for us to, for whoever that taxpayer out there that we collected that buck from, how hard it was for them to make that money.

I live in West Texas where oil and gas is a big deal. And part of my background is working as a rough neck on drilling companies for drilling rigs. And when we spend money, I think about that rough neck working morning tower for a drilling company. In the winter, it is cold and miserable and wet and nasty, and in the summer time, it is hot and dry and miserable. Hard work. I am talking labor. Now we sometimes refer to what we do in this body as work. But folks, this is not work. This is a job. This is something we do. Work is when you are outside doing physical labor. And I have done some of that, and I went to college so I didn't have to keep doing that.

But I think about how hard that person works to earn the money that we then take taxes away from him to help do whatever it is we do. Most of what we do appears important. Some of what we do is not important, and we shouldn't do it. And that is where we ought to be about the process of reducing the amount of money that we take away from people and spend. But I keep thinking about that guy working morning tower and how hard it is for him to earn a dollar so that we can take \$0.20 of it or \$0.50 of it, whatever it is we decide to take in our infinite wisdom from him as a result of his or her hard work.

We will hear over the next 2 years as we talk about this stealth tax increase that is coming, that is either the capital gains rate going up or the various family-friendly things that we did in 2001, 2003, or the death tax that comes roaring back in 2011; we will hear the Democrats talk about, "well, we are going to fix it for the little guy. We are

going to not raise taxes on the small taxpayer and all those kinds of folks." That is a class warfare issue that I think is unworthy of us. As we begin to kind of differentiate between good folks who make money and bad folks who make money based on the amount of money they make, I think it is unworthy of us. Let's try to not do that because successful people are the ones who invest. They are the ones who create businesses. They are the ones that make money that can provide jobs.

The times that I have had to go look for a job, it has been very few, but the times I have gone to look for a job, I have not gone to somebody that was losing money to ask for a job. Only the Federal Government can lose money and still hire new people. Every small business out there, every medium-size business, most big businesses quit hiring people if they are not making money. Only in the Federal Government do we have the luxury of continuing to hire folks when in fact we are in a deficit spending that we have been on in the last several years.

In an attempt to, well, before I start that, I spent 2 years on the Budget Committee and listened to some of our good colleagues on the other side talk, day after day in those hearings about their proposals for PAYGO, their proposals for reducing the deficit, all those kinds of things. Every single one of those conversations, either overtly or as a sub plot to those conversations, was a tax increase. It wasn't about spending less money, because at the same time they were talking about reducing the deficit, they would propose billions of dollars of additional spending within the budget that we were trying to pass. So the idea that we can only fix the deficit by raising taxes is misplaced.

We don't have a tax revenue problem in this Federal Government. We collected a record amount of revenues for the Federal Government in fiscal year 2006, up double digits from the collection record in 2005, which was up double digits from the collections in 2004. We have got a spending problem. And I have got some, a couple of proposals that I want to talk about which may not be exactly on point with what Mr. SHUSTER wants to talk about tonight. But one of them is a "no new programs" agenda. This was a rule to the House rules that, you know, I hate to whine like the rest of us, but we had no input in the House rules. But I introduced a House rule the other day that said, if you are going to propose a new program of some sort, then, as a part of that enacting legislation, you actually have to eliminate another program of equal or greater spending; the idea being that if we have come up with the newest great new idea, that I ought to find somewhere else in the Federal activities that there is a program that is less important than my new one. The idea being is, if I can't find something that is less important than my new program, then what I am effectively

telling the taxpayers of this country is this new program is the least important thing the Federal Government could do. And for goodness sake, why would we do that?

And so the idea is to help us begin to set priorities. Talk is cheap, and we all, both sides, talk about setting priorities and all those kinds of things. But this would help put some teeth in the idea of forcing Congress to make choices between two good things. I am not talking about good and bad. Anybody can make those decisions. But we have got to make choices between two good things a lot of times as to where we spend our money. Families do that. Businesses do that. And all of us have to do that, except at the Federal Government level. So in an attempt to help us learn how to set priorities, this "no new programs" would be a small step in that direction.

The other thing that I have done and I have actually got two of the Blue Dogs to cosponsor, original cosponsors on my savings and appropriations concept. If we come in here, and our experiences so far with the Democrats is that the rule under which we debate things that we are passing has not provided us opportunities to amend them. I mean, it is a closed rule. We did it to them; they are doing it to us. That is just kind of the way it works. But on appropriation bills, those are the one opportunity that we have where the Rules Committee is not in between us and what needs to get done. And with all due deference to my former member of the Rules Committee, this is an opportunity for those of us on the floor to suggest changes in the appropriations process that we think are appropriate.

Under the current scheme, if we amend an appropriations bill to reduce the spending in that bill, common sense would say that that money doesn't get spent. That is not how this system works. That money goes back to the committee and is spent somewhere else. So while we are able to get an amendment that the 218 of us would agree that spending shouldn't occur, it gets spent somewhere else.

So what this law would say is that when that happens, if we are able to overrun the appropriators, and the appropriators legitimately hate this idea, but if we are able to get 218 of us, whether it is, in our case now, it has got to have some Democrats now to help us out, but we are able to reduce an appropriations bill by some amount, that that will actually reduce the 302A and 302B allocations and all of that machination that goes on so that we would actually not spend that money.

□ 2200

It would reduce the deficit or increase a surplus, if we ever got to that particular place. I have got a couple of Democrats who have agreed to cosponsor, so I am encouraged by that, that we can, in fact, begin to work on the spending side of what we have got going on here.

I want to again thank Mr. SHUSTER for having this out here tonight.

When Congress saw fit to increase the section 179, throwing a little code at you, section 179 deduction for businesses or small business deduction where you can immediately expense up to \$100,000 of business property that you put in service, that was a huge boon to small businesses.

It allowed them to immediately write off the cost of having to put new equipment into service, and as Mr. NEUGEBAUER has already said, when his plumber friend bought a new truck, he had to have somebody drive that truck. In all likelihood there was a swamper on that truck so he put two more people to work.

That happened thousands of times across this great country. It was part of that impetus, part of this push to get us out of this recession that we were in 2001, 2002 and 2003, that single piece was a great part of what helped do that. That was directly positive for small businesses, and it is one of those that we continue to extend, but will go away unless this Congress acts to keep renewing it.

One final story. In talking with folks about the death tax back in the district, I tell them that probably the most dangerous week for anyone who has assets and beneficiaries is the week between Christmas of 2010 and New Year's Day. Here is why:

If you have got assets that you have worked hard for your life, but you got beneficiaries, you are going to get those assets when you die, if you are still breathing on January 1 of 2011, then those beneficiaries immediately have a 55 percent partner called the Federal Government.

My advice to those folks is to go ahead and have Christmas with your family, but then you probably ought to make yourself real scarce unless, if the current law stays in place where the death tax goes completely away in 2010, and the Federal Government has no claim on your assets when you die, to January 1 of 2011, when the Federal Government gets a 55 percent claim on those assets. So those of you who have assets, if we aren't able to get the laws changed and effect that, you probably ought to make yourself pretty scarce around your beneficiaries post-Christmas and January 1. Good luck with that.

I would like to thank my good colleague, Mr. SHUSTER, for having this hour tonight, sponsoring it. I hope to participate with you in the future.

Mr. SHUSTER. I want to thank the gentleman from Texas. I think you bring up a very good point on the spending side. As you know, as an accountant, anybody that has been in business, two sides to the income statements, there is revenues and costs.

Costs are important. You have to control your costs. You can't spend more than you bring in. Of course, we have done that over the last couple of years, because we are at war, we have

seen a recession. But the revenue side is equally important, and there are two ways to do it in the Federal Government. We have found that you can increase taxes, which gives you increased revenue for a while, but eventually the economy turns down, and then revenues go down; or you can do as Jack Kennedy, President Kennedy, did in 1960, Ronald Reagan did in the 1980s and we did in the early 2000s, we cut taxes and revenues grew. There are record levels of revenue coming into the Federal Government.

Don't listen to BILL SHUSTER about how it works when you cut taxes. Look at the record, look at the history record, and you will see it is quite clear.

You mentioned the death tax, yes. The gentleman has another point to make.

Mr. CONAWAY. Let me just, on your point, most business, every business, has to decide what they are going to charge for their product or their service. It is one of those key decisions every business manager has to make.

Because if they set their prices too high, they will not sell enough units. Obviously if they set it too low, they will not make as much money as they should. So most times the businesses decide to lower that price in order to get volume up, in order to sell more.

The Federal Government doesn't exactly do that; but the truth of the matter is, if we do raise taxes, you will get a short-term blip; tell people, until that begins to act, in effect a fine on doing well, and having a negative impact on the economy. Businesses have to make that decision, and I think the Federal Government ought to be in that same mind-set as well.

Mr. SHUSTER. That is a great point. It is great to have people like you in Congress to bring that common sense and know what it is like, and what really happens when prices go up and taxes go up and the response you get from people.

You also mentioned that January 1, 2011, the death tax expires. You also have the capital gains tax will expire January 1, 2009. The taxes on dividends will increase January 1, 2009. I think it is record numbers of American people that have investments in the stock market through their mutual funds. Over 60 percent of America has invested. Folks that are getting dividends from those investments are going to be taxed at higher rates.

We are going to again lose the child credit that will be cut in half over the next couple of years, the marriage tax, the penalty will be put back in place. Low-income taxpayers will go from that 10 percent tax bracket up to 15 percent tax bracket if we don't act.

Just to remind the American people that are watching tonight, it is 14,052 days in the countdown for the Democrat tax increase. They don't have to act. All they have to do is sit on the clock, run out the clock. When it runs out, we are going to see over the next 4 years a \$200 billion tax increase.

Another thing you mentioned about job increases, I saw over the last 6 years, one of the sectors in the economy that saw one of the larger increases percentage-wise in jobs was the government, and over 4 percent increase in government jobs. You know, we see that in other sectors of our economy. We have seen many of them increase double digits, but that is one that was discouraging to me to see the Federal Government, when we were at these times when we were trying to cut spending. We need to cut some of that and curtail some of these government jobs.

Mr. CONAWAY. Let me mention one other tax that is out there; we will talk about the national sales tax on another night. But the alternative minimum tax is another tax that we in the Republican majority basically kicked the can down the road a year at a time; this Congress under the Democratic leadership will have to do the same thing because it is a tax increase that is on the horizon that requires Congress to do something or the tax comes in.

We were unable to put a permanent fix in place, and full or fair disclosure. I actually had to pay the alternative minimum tax this year, and it ticked me off.

Mr. SHUSTER. That is like 20 million Americans, or something like that.

Mr. CONAWAY. Yes, and that number grows. So in addition to these taxes expiring on their own, the fix on the alternative minimum tax has got to be removed and/or a permanent fix put in place, which will be quite daunting for anyone to get done, particularly in a Congress, which my sense is they would rather increase taxes than deal with the tough decisions of cutting spending.

Mr. SHUSTER. I thank the gentleman. The last point you make, we talked about it earlier, I think Mr. DAVIS brought it up, they decreased the number of Members of the House that had to vote in favor, three-fifths down to a simple majority. It seems pretty clear to me what they are doing.

Over the last 4 or 5 years, 6 years since I have been in Congress, I haven't seen a budget proposal by the other side that hasn't increased spending significantly, and there are some estimates that in these first 100 hours the proposals that they are putting forth over the next several years are something to the effect of an \$800 billion increase in spending.

Again I think it is quite clear what the Democrats intend to do. We need to stay together as Republicans and join together with the Blue Dogs to fight that.

Mr. CONAWAY. Let me add one point to what you just said. The bill we passed this evening to make the world quote, unquote, a safer place, which I voted against, one, in my view, of the fatal flaws to that is we don't know how much that costs. There were open-

ended blank check authorizations in that bill for so much money and for such time as is needed.

So the first rattle out of the box, the first substantive piece of legislation that the other side proposed and put forward had these open-ended spending issues in there. You know, the cost is not necessarily always the determinative factor, but I grew up in a world where I had to ask what things cost, and I suspect most folks do. I factor that into a cost benefit analysis that we all make every single day.

It is one of those fatal flaws to the very first piece of legislation that our colleagues on the other side put forward today, of substance. The rules we did last week, that is one thing. But today's piece, couldn't score it from CBO. They don't have a clue what we authorized in terms of new spending, new programs, new dollars that we have to take away from good hardworking Americans. I appreciate the time.

Mr. SHUSTER. I thank the gentleman. It is discouraging to see the Blue Dogs here tonight. I think most of them, if not every single one of them, voted for that program. They were talking about fiscal responsibility tonight; they have no idea how much it is going to cost. It is going to be a big cost. They all know that.

But it is my pleasure to yield to the gentleman from Georgia, Dr. PHIL GINGREY, who I know is an old pro at these Special Orders and does a great job. It is something that I think a lot of Americans, myself included, as I was growing up, we tried to put this group together as we talked. We wanted small business people, people from the business background, to be on the floor.

When you introduce a guy, Dr. PHIL GINGREY, and say he is a physician, a lot of Americans like myself in my younger days didn't realize a physician is a small business owner. He is a man or a woman who is running a practice. You call them patients, but they are customers. But it is a practice, and it is a business.

You have to meet a bottom line, and you have to do what many do, the plumber, the car dealer or the computer business operator, you are meeting that bottom line and making sure it is profitable.

Mr. GINGREY. I thank the gentleman. No question about it, physicians are small businessmen and women. I do feel a little bit like a fish out of water with the economic competitors caucus. Most of my colleagues who have spoken here are, indeed, without question, small businessmen and women, and, in fact, of course, Representative CONAWAY from Texas is a CPA.

But as Representative SHUSTER is saying, physicians are small businessmen and women. Even a small practice like the one I was in with the four or five OB/GYN doctors, we probably had 40 employees, nurses, front office people, lab people.

BILL SHUSTER is absolutely right: we had to meet a payroll, we had to provide health insurance, we had to provide benefits. We had to worry about how we are going to have the money to expand and maybe bring in a new partner and grow the practice.

My colleagues were talking about section 179 under the IRS Tax Code that under Republican leadership would increase the amount that could be deducted on capital improvements, bricks and mortar, putting in a new X-ray machine, whatever, from \$25,000 to \$100,000, and to allow that small businessman and -woman to write off an additional \$300,000 worth of capital improvement, investment, job growth, over an accelerated period of time.

That has, Mr. Speaker and my colleagues on both sides of the aisle, without question, has stimulated this economy. As I listen to my colleagues in the first part of the Special Order talking about the job growth, the unemployment rate, the increase, the amount of revenue, particularly over the last couple of years, I think we are talking about maybe an additional \$400 billion worth of revenue after these tax cuts that includes low and marginal rates for every single taxpayer, the increase in child tax credit from \$600 a child to \$1,000 a child, eliminating the marriage tax penalty that Mr. CONAWAY talked about, eliminating that death tax.

We have, Mr. Speaker, created 7 million additional jobs since the spring of 2003. When I first got here in the early part of 2003, for months at a time I heard my colleagues on the other side of the aisle talk about, watch, we have lost another 30,000 jobs this month, we have lost another 40,000 jobs this month. Now they can't say that because I think we have gone something like 18 straight months with job growth.

But what I do hear them saying is, oh, these are service jobs, these are minimum-wage jobs. They are not important. I didn't hear that argument when they were wailing away about the fact that we are losing jobs.

We could have said, well, these are unimportant jobs, these are seasonal jobs, these are service jobs. They are not that important to the economy. They are important to the economy, and they create dignity of work and pride and an accomplishment, people putting out a day's work for a day's pay.

□ 2215

So that is really what we have done here. I think that what my good friend from Pennsylvania was saying cuts right to the chase: PAYGO rules as adopted in that omnibus rules package for the 110th Congress that was passed last week is a recipe for making it easier to raise taxes and more difficult indeed, Mr. Speaker, if not impossible, to lower taxes. And that is exactly what these new PAYGO rules do. Because under these rules, as my colleagues

know, you can raise taxes without any offsetting cut by simply going through this process of reconciliation and raise all this entitlement spending, and that is exactly what will happen.

Representative SHUSTER was talking, or maybe Mr. CONAWAY, a few minutes ago about this bill that we just passed in regard to completing the promises of the 9/11 Commission. It doesn't do that; it is an absolute farce to suggest that it does. But there is no question that inspecting every single piece of cargo, every single crate that comes into this country through a maritime port, can you imagine, Mr. Speaker, what the cost is? They totally ignored how we are going to pay for that.

So this PAYGO business, it is not law. It is not in legislation. It does not have the force of that, and our colleagues on the other side of the aisle can simply waive a rule any time they want to in term of PAYGO. So we need to be truthful to the American people.

It has been said during this hour that, in 1960, we had a Democratic President, President Kennedy, and he cut taxes, and we raised revenue; President Reagan did it in 1980; and President George W. Bush has done it in 2001 and 2003. We have not lost revenue because of lower rates and tax incentives mainly for small businessmen and women; we have created an additional 7 million jobs. And, yes, they are paying taxes at a lower rate. Yes, they are getting to deduct certain things to help them be able to grow their businesses. And so you have a lot more people, 7 million, indeed who are paying taxes or paying at a lower rate. But when you crunch the numbers, and I am not a math major, but that is where you come up with an additional \$450 billion. Whereas, on this static scoring system that we get from OMB and CBO, they say, well, because you have cut the rate here and you cut the rate there and you have given \$1,000 instead of \$600 per child and you are finally getting rid of the death tax, over 10 years, this is going to cost \$1.3 trillion. Well, yes, if it didn't work, it was going to cost \$1.3 trillion. But the fact is, it did work. Instead of costing money, we raised revenue, as Representative SHUSTER has pointed out.

But I will guarantee you one thing, Mr. Speaker and my colleagues, if you let these tax cuts expire, and there is no question about the cost to the American taxpayer and it is real, it will be an additional \$2.4 million.

Mr. Speaker, with that I am going to turn it over to the real experts on business. But I appreciate the opportunity of joining them tonight and weighing in on this.

Mr. SHUSTER. I thank the gentleman. And as you pointed out, the PAYGO rules, the decrease from a three-fifths majority to a simple majority to pass tax increases, that should make every American sit up and say, my goodness, the Democrats do plan on raising taxes. But if they still aren't sure about it, I have got just a couple of quotes here.

The incoming chairman of the Ways and Means Committee told Bloomberg News that he cannot think of one of the tax cuts passed under President George Bush that merits renewal. He also told the Congressional Daily when he was asked whether he considered tax increases across the income spectrum, and his quote was, "No question about it." He said, "Everything has to be on the table." "Everything" would mean repealing the 10 percent low income tax bracket, the child tax credit I talked about, the marriage penalty, all of which was passed in 2001 and, of course, the death tax. And my good friend from Texas knows full well what it is going to do to a lot of business owners on Main Street. We are not talking about Wall Street, we are talking about Main Street America and in the farms of the Midwest.

So with that, I yield to my good friend from Texas.

Mr. NEUGEBAUER. The gentleman from Pennsylvania is correct. I think one of the concerns I have about the death tax is, in many cases, it has the potential to rob some of the smaller communities in America from some of the mainstays in their community. I think about the farmer who worked for 20, 30, 40 years putting together pieces of land, making his operation a little bit larger so that he can compete today in a global economy and wants his son, our sons to be a part of that business in the future. But as the gentleman, my good friend Mr. CONAWAY, my neighbor to the south, said: Depending on what day he dies, he may not have any land to leave his sons, or they may have a new partner.

I do a number of town hall meetings as I travel through out my district. I have a very large district, 29,000 square miles, 27 counties. And one evening I was talking to a group of citizens in a little small community, and after that was over, I had a young woman come up to me and say, "You know, Congressman, we have had this ranch in our family for nearly 100 years, and recently my father passed away, and we are faced with the fact that we may have to sell a part of this ranch to keep some of it." And I think about a small auto dealership that the founder of that built up over the years, worked hard, paid taxes already.

I think the egregious thing about this death tax is we have been talking about the taxes that have been imposed on these small businesses over the years, and they work hard and in spite of paying all those taxes, property taxes, income taxes, employment taxes, then at the end, we say, "You did such a great job of building that business, we are going to tax it one more time." And in many cases, it has the potential to put those businesses out of business and take away in some cases a fairly major employer in that community.

So I think one of the things that we have been kind of saying tonight, and my colleagues, is that we are at a

crossroads here, and we have some very important decisions to make on behalf of the American people here for the next few years, and I am concerned, as many of you are, that some of these businesses, if we don't act in a way to be friendlier to small business, keeping many of these tax cuts permanent, and if we don't look at permanently eliminating the death tax, that again we could really penalize these small businesses.

Mr. CONAWAY. Let me just add a little bit to what my good friend is talking about.

In 2011, the portion of your estate that is not taxable drops back to \$1 million. You know, \$1 million sounds like a lot of money, and it is, don't get me wrong. I had a staffer the other day who made the comment that \$12 million wasn't much money. And I said, "Well, who has got a checkbook?" So one of them got out a personal check, and I said, "Tear a deposit slip out of that checkbook." So they tore it out, and I handed it to the staffer, and I said, "Put \$12 million on that deposit slip." And they said, "Well, it won't fit." I said, "Okay, well, \$12 million is a lot."

One million dollars is a lot of money. But in today's environment, with property values having gone to what they are, it doesn't take a super successful individual to get at that \$1 million and much above that when you add in their house and life insurance and those kinds of things. So when the other side talks about the death tax, they typically throw out Warren Buffett or Bill Gates or these other bazillionaires as examples why we need to redistribute that wealth.

The truth of the matter is this tax hits smalltown America. I was at dinner tonight with an individual who had some property west of Fort Worth, west of Aledo, actually, maybe in your district, that 4 or 5 years ago was selling for \$750 an acre. And because of the growth in population, growth of Aledo and other areas, now that land is \$46,000 an acre, and so that family has suddenly gone into a pretty good sizeable estate.

Now, it is their money. They took the risk of owning that property. They took the risk of trying to make a living off that property, paying the property taxes year after year after year on that property, and now the Federal Government in January 1, 2011, becomes a 55 percent partner in that deal.

This is the one tax that I think is just fundamentally wrong. We are always going to have taxes collected in some way or another. We have got to find the minimum amount of money needed to fund the Federal Government, and that has got to be taxes. But the death tax ought to be one that we wean ourselves from and get away from it because it is fundamentally flawed. It is unfair, and it is really one that hurts small America, and it has generational ripple effects. You and I both have constituents who tell us

time and again they are paying for their own property a second and third time because when grand-dad died, they had to borrow money to pay it off. They just got that paid off, and then their dad died and passed it down, they had to borrow money to pay the estate taxes, and now they have got it paid off. So that cycle is just flat out fundamentally unfair.

Mr. NEUGEBAUER. The gentleman makes a great point. Not only does, in many cases, it affect the families that own that property, but in many cases, let's say you have got a heating and air conditioning business here that employs 50, 60 people. And all of a sudden the founder passes away, and the next day the family has to come and say to these employees, "I don't know whether we are going to be able to continue this business or not because we are going to have to borrow a bunch of money to pay the taxes." And in many cases, putting a bunch of debt on a new business or even an existing business requires servicing that debt and has an impact. And so then it is a ripple effect because that tax base that has been in that community for a number of years is in jeopardy, and the commitment and the contribution that that small business has made to that community sometimes disappears.

I think the fact that we said earlier, and I think all of us said, that America was built by these small businesses, small ranchers, doctors, entrepreneurs all across this country, we built this country that way, but we have the danger of tearing it down with a poor taxing policy.

Mr. SHUSTER. I would like to recognize the gentleman from Tennessee.

Mr. DAVID DAVIS of Tennessee. I think it is vitally important that it is individuals and small business owners and businesses across this country that pay these taxes. And I want to put a personal face on this.

If the majority party allows taxes to be increased, it will cost us nearly \$2.4 trillion in new taxes to American taxpayers. What does that mean to people across America tonight and the people in the First Congressional District of Tennessee? It means that there will be 115 million taxpayers who would pay an average of \$1,716 more each year. It means that 48 million married couples would pay an average of \$2,726 more every year; and it means that 17 million seniors would pay an average of over \$2,000 more a year. It is real people paying real dollars, and I hope the people in this body will remember that as we move forward.

I am disappointed that we changed the rules last week with the majority vote to decrease the amount of people that it takes to increase taxes. I think it should have been left at three-fifths, not a simple majority. I think that was a mistake last week when the majority party did that. I hope they will protect taxpayers in America over the next 2 years.

Mr. SHUSTER. I thank the gentleman from Tennessee.

Our time is running out, but I want to just talk about a real world experience. There is a family, Mr. and Mrs. Smith living in my hometown of Hollidaysburg or maybe even Youngstown, Ohio, or a small town in Florida or California; that person, Mr. and Mrs. Smith making \$40,000 combined income, if these tax cuts are allowed to expire, they are going to pay about \$2,100 more in taxes a year. And there are some people in this country who may think that \$2,100 isn't a lot of money; but for that family struggling in Youngstown, Ohio, \$2,100 a year, if you put \$2,100 in the bank every year, at 5 percent interest return on that \$2,100 and you invested it every year for 10 years, that turns into over \$30,000. That is a good nest egg for that family to put their son or daughter through college or pay a good chunk of that if you are going to a great State school. So these things are serious, they are real life, and I just want to thank all the Members who came down here tonight who come from, whether it is a home care business, as Mr. DAVIS, or CPA or Mr. NEUGEBAUER being a builder and a developer, myself running an automobile dealership, people just like us all across America that have to be concerned about what is going to happen here in the next 2 years. And all Americans need to understand that they have to talk to their Members of Congress and put the pressure on them to make sure that these tax cuts stay in place so that the American people can keep more of their hardearned dollars in their pockets and they can spend it as they see fit and not send it here to Washington, D.C. to be spent by faceless, nameless bureaucrats in many of these agencies.

□ 2230

### 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. The gentleman from Florida (Mr. MEEK) is recognized for 45 minutes.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to be before 110th Congress. I can tell you that as the 30-something Working Group has been coming to the floor for 3-plus years and talking about what we would like to do if we were ever in the majority, and the American people saw fit to give the Democrats the majority here in this House last November. And we are appreciative and grateful, and I am glad to be here with my good colleague Ms. WASSERMAN SCHULTZ.

Mr. RYAN is around here on the floor somewhere, Mr. Speaker. I believe he is hiding because of the lashing, or it is hard to put it in words, that the Florida Gators, who, it was reported that it was said that they shouldn't even get off the bus to play against the number-one ranked Ohio Buckeyes.

But I am going to yield to Ms. WASSERMAN SCHULTZ, and then we will get into the meat of our discussion, because Ms. WASSERMAN SCHULTZ has a

degree and paper hanging on her wall from University of Florida, and on her car she has Florida tags. I mean, she is a real Gator. I just kind of happen to be from the State of Florida.

But go ahead, Ms. WASSERMAN SCHULTZ. Congratulations.

Ms. WASSERMAN SCHULTZ. Thank you so much. We are all Gators today. It is a Gator Nation. And we were just thrilled that the fighting Gator football team came to play yesterday, dominated Mr. RYAN's team, although Mr. RYAN went to Youngstown; so he is not technically a Buckeye, but I guess anyone who hails from the State of Ohio is a Buckeye. And we enjoyed showing the Buckeyes that we belonged in that game, and we are just very proud of our Florida Gators.

Mr. RYAN of Ohio. If the gentleman from Florida would yield, I am happy to take my whooping like a man, Mr. Speaker. And let me just say to you, Mr. Speaker, and any of the other Members who may be Buckeye fans, not only was the game horrible, a complete whooping, but then I woke up this morning and the first thing I did was I called Mr. MEEK, and I said, "Mr. MEEK, I had a terrible dream last night. It was awful. Let me tell you about it." And he reminded me that it actually happened. And then our first meeting this morning, I ran into Ms. WASSERMAN SCHULTZ, who was in her beautiful outfit that she has on now but also the University Florida Gator glasses, and her Coke this morning had a little cozy on it that was also blue and orange. So she is very humble about her victory last night. And the only thing I can say is that the coach of Florida is an Ohioan, born just a few miles outside of my district. That is all I am hanging on to.

Ms. WASSERMAN SCHULTZ. We will give him that.

Mr. RYAN of Ohio. That is all I am hanging on to. But it was a great game, and you have got a great coach and a great team, and see you on the basketball court.

Mr. MEEK of Florida. Mr. RYAN, you did take it like a man. We were watching the game together, and it was great for college football and great for all of us here in the country to see the underdog win. And it kind of tells our story here in the U.S. House of Representatives. And I just want to thank everyone on behalf of all of us. But tonight we are going to take a moment because, Mr. Speaker, when we come back to the floor, we have a number of freshmen that are coming in that are new 30-somethings that were elected in this election, and they are going to come to the floor. I believe, and all of us in 30-Something Working Group believe, that we were effective in the 108th and the 109th Congress, communicating with the American people. We want to thank not only the Speaker but also the majority leader, Mr. HOYER; and also Mr. CLYBURN, who was our Democratic leader, now our Democratic whip; and now Mr. EMANUEL for

his good work, who is our chairman of the Democratic Caucus; and Mr. LARSON, who is the vice chairman, for all the support they gave the 30-Something Working Group, including the Members on the Democratic side of the aisle.

We talked about what we would do, Mr. Speaker, if we had the opportunity to get into the majority. And I am happy to report that we talked about putting in standards on PAYGO, making sure that whatever we appropriated, wherever we spend, that we also identify how we are going to pay for it so that we can get away from owing all of these countries money as we owe now. And there is a lot of work that has to be done that the Republican Congress has left us with.

Looking at records like this, \$1.05 trillion borrowed by the President and the Republican majority in the 109th Congress and the 108th Congress over 42 Presidents at \$1 trillion. So all of the charts you see here tonight, Mr. Speaker, will only be resurrected, if I could use that word, every now and then because the charts are going to be talking about what we have done. We did that last week.

Today we implemented the 9/11 Commission's recommendations, all of them, here on this floor. And we had some of our Republican colleagues join us, and we are going to work in a bipartisan way to make sure that we do what we told the American people we would do in our Six in 2006 plan.

Also, I think it is important, on Wednesday, we are going to raise the minimum wage will be raised here on this House of Representatives floor. This House that we talked about time after time again that we would do if given the opportunity. Later this week, securing low prices on prescription drugs, giving the Federal Government negotiating opportunity with the drug companies. Also stem cell research, ethics reform. These are things that the 109th Congress under Republican control, they didn't even do it. And we have done it within the first 100 hours, and we have a lot more that we would like to do. So I would not only like to thank our good friend, Ms. WASSERMAN SCHULTZ, which our districts neighbor each other in Florida, but Mr. RYAN and Mr. DELAHUNT, Uncle Bill, in his absence.

Mr. Speaker, he apologized for not being here tonight, and I told him, this is the first night that we are on the floor coming back in the majority. And, Mr. Speaker, I can tell you, as I yield to my colleagues, Ms. WASSERMAN SCHULTZ and Mr. RYAN, that I know from me and from all of us in the 30-Something Working Group, we are forever grateful to the American people for allowing us to have the opportunity to lead in a commonsense way on their behalf. And it took Republicans and it took independents and it took Democrats and it took the Green Party and it took folks who

voted for the first time because they had hope that we are going to move this country in a new direction. And I am so happy to our leadership and also to the members of the Democratic Caucus that we are following through on what we said we would do. It is going to be painful, but we are going to do it because the American people want a new direction. I am so happy that I am a member of a caucus and a party that has said they are going to do something, and they are actually doing it. That is a paradigm shift here in Washington.

I yield to Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Thank you so much to my good friend, Mr. MEEK, and it is so wonderful to be with my good friends in the 30-Something Working Group. We spent so many nights here talking about the need for us to move this country in a new direction, a new direction for America. That is what, Mr. Speaker, you and others talked about during the campaign. We went out and talked about making sure that we could increase the minimum wage for the first time in 10 years; have the student loan interest rate; fully implement the 9/11 Commission recommendations; make sure that we repeal the energy industry subsidies that they don't need because they are the most profitable industry in the entire world so that we can truly fund alternative energy resources; eliminate the prohibition against negotiating for lower prescription drug prices; and putting the stem cell research bill on the President's desk once again; and making sure that we can finally establish some accountability with this administration on the war in Iraq.

□ 2240

At last we will have the opportunity to bring them in and ask them the tough questions that our good friends on the other side of the aisle refused to ask for years.

We had an opportunity as the 30-something Working Group to point out and contrast what we would do in the majority if we were given that opportunity versus what the Republican leadership was doing for the last 12 years. And the American people responded and gave us that opportunity.

Some people might have started at the top of this hour, kind of scratched their head and wondered why we were talking about the University of Florida national championship and the Gators victory, but there is some analogy, all kidding aside.

The Gators showed that they came to play last night when no one expected them to win, when for months people didn't give them any chance of coming out on top and winning the national championship. I think that our victory on November 7 is analogous to that because certainly at the beginning of my first term in Congress 2 years ago, no one gave the Democrats a chance. No one gave us a snowball's chance of reaching the point that we did on No-

vember 7 and being able to elect enough Members to truly move this country in a new direction.

In part because of the Members that joined us on the floor each night and our Democratic Caucus colleagues who were so committed to get the message out and talking to their constituents and really appealing to the issues that the American people cared about, as opposed to the special interests and the culture of corruption and the pall that was cast over this Capitol for so long, now we are finally being given that opportunity. It is incredibly important.

One of the most amazing things for me as a woman was that last Thursday we were able to watch history in the making when the gavel was passed to Speaker NANCY PELOSI as the first woman Speaker in United States history. I had my twin 7-year-olds on the floor that day, and I know you had your children on the floor with you that day, Mr. MEEK, but the opportunity for our kids to see, and especially for little girls in America, to see that really anything is possible in America, for that, for us to be able to witness that was just incredible.

And today for us to be able to witness Speaker PELOSI preside over H.R. 1, the passage of H.R. 1, which was the first bill that we adopted in the 100-hours agenda that fully implements the 9/11 Commission agenda. The Republicans minimally implemented those recommendations, and that is why the 9/11 Commission co-chairmen gave them Ds and Fs, because they had not allocated funding on the basis of risk and vulnerabilities. They had not created and rehearsed State and local emergency response plans. They had not addressed the interoperability issues between intelligence agencies and first responders. There were at least 10 items. They have not protected privacy and civil liberties with an oversight function. They have not improved air passenger screening. They were not checking all the cargo. There was no funding or mechanism to check all of the cargo that came through our ports.

H.R. 1 that we adopted today implements that right now. It was a thrill to watch Speaker PELOSI preside over the passage of the first item in our 100-hours agenda.

Mr. RYAN of Ohio. Mr. Speaker, the gentlewoman is right. Last week during all of the Speaker ceremonies, one of the things was a mass up at Trinity College where the Speaker went to college. There were two pictures up on the altar. One was a picture of a kid in Darfur and the other was a kid from Hurricane Katrina. There were pictures of these kids from New Orleans and Darfur all over. I think that kind of symbolized where this Speaker is taking this House of Representatives, that is, we are going to act in the best interest of those kids to protect them by implementing these recommendations.

I think the frustration we see on the other side of the aisle, and there is always a level of frustration because you

are in power and then out of power, but the one level of frustration from the other side of the aisle is this stuff isn't brain surgery. We have been waiting years to implement some of this stuff. The minimum wage, 10 years. The 9/11 Commission report has been out for a long time. Some of these other things such as negotiating drug prices, we are actually going to get this stuff done in the first 100 hours of legislative business we are doing here. I think there is a level of frustration on their side because some of them wanted it and it couldn't get through, or they don't want it and we are implementing it. But this agenda has the support of the American people.

In some ways, these are broad parameters for us. But take the PAYGO rules. We are going to make sure that we are only spending money that actually comes into the Treasury. We are not going to go out and borrow from China. I know our friends who were here before were talking about we are going to get rid of all of the tax cuts. We are going to implement middle-class tax cuts, and we are going to ask some of the people who have been making millions, if not billions, of dollars over the past couple of years to pay more. If you are making millions of dollars a year, we are going to ask you to pay more in taxes. And the reason we are going to do that is we are either going to ask you or we go and we borrow it from China. You are benefiting a great deal from the economy that we have here, from the political system we have here, and we need your help in balancing our budget.

Now, there is nothing that has more of an effect on average people than increased interest rates. As we borrow money and borrow money, money becomes scarce in the market, and interest rates go up. If you try to buy a house or car, interest rates have gone up and you are paying more. We are going to keep those tax cuts for the middle class, and we are going to ask the wealthiest to pay a little more. And by balancing the budget, we are going to try to reduce interest rates, and that will lead to another economic boom like happened in 1993 when President Clinton and a Democratic Congress balanced the budget. That is the way it is going to be.

We are proving to the American people, and this is the exciting part, I think the American people took a leap of faith on us. In the last few days, we have actually done what we said we were going to do. Later this week we are going to continue to do what we said we were going to do, and next week we will do what we said we were going to do. And when the President gets here to give his State of the Union, he will have a Democratic agenda lying on the table to have to discuss, and that includes the war in Iraq.

Mr. MEEK of Florida. Mr. Speaker, the gentleman from Ohio (Mr. RYAN) is making an excellent point. If you can



elaborate more on what you were talking about, I think that is very important.

Mr. RYAN of Ohio. When you talk about PAYGO, and we were talking earlier about the college loan interest rates and in cutting these interest loans in half for both parent and teachers, the bottom line is we are going to cut those interest rates and make college more affordable. You are also talking about the minimum wage and the stem-cell research which we want to talk a little bit about tonight. We are talking about bread-and-butter issues, investing in science and cutting interest rates in half, making sure the bottom is lifted up. I think we have a lot going on.

Ms. WASSERMAN SCHULTZ. Expanding access to higher education was one of the critical elements, is one of the critical elements of the 100-hours agenda because America is all about opportunity.

Our good friends on the other side of the aisle talk about prosperity and how it is essential to make sure that Americans can continue to prosper, and we absolutely believe that. But there is no denying that prosperity isn't possible in this or any other country without an education.

If you are denied access to education because of the lack of affordability, because you can't pay for it or because your ability to repay a loan is prohibited because the interest rate is so high that you are paying for the rest of your natural life and it takes such a huge chunk of your income that eventually you have to decide not to pursue an education, then prosperity isn't possible.

As you have in this chart, and Mr. MEEK is going to talk about minimum wage, we lag behind the world in terms of global education standards. You have thousands of students who will graduate with engineering degrees this year. And look at the difference in numbers: 600,000 engineering degrees in China; 350,000 engineering degrees in India; and 70,000 engineering degrees in the United States of America.

□ 2250

Now, if that isn't an example and evidence of where we need to focus our priorities and make sure that we expand access to higher education so that we can grow that number, then our ability to be competitive globally is severely, severely impacted, and individual's ability to prosper is severely impacted.

Mr. RYAN of Ohio. Mr. Speaker, just to be fair, these numbers have been shifted and I have seen different numbers for China, India and the United States. But the bottom line is no matter which ones you are looking at, they have a significant advantage on some of these. You look at our math and science scores, they have gone up a little bit, I think in the fourth grade range, but not nearly where we want them to be. We still have a tremendous

gap between the wealthiest and poorest districts. We have a tremendous gap between minority districts and white districts. We have got a lot of work to do.

The No Child Left Behind Act is coming up this year to be reauthorized and hopefully funded at the levels. Hopefully we can make the kind of changes that we always hear about on the campaign trail when it comes to education, teachers grabbing us about No Child Left Behind. We have a brutally competitive world out there waiting for us, and these changes need to happen, and some of them need to happen in the first 100 hours.

Ms. WASSERMAN SCHULTZ. If the gentleman will yield, one of the things I wanted to point out is it could ultimately, as we continue to do these 30-something hours, it could be easy to presume now that we are in the majority that we would come here and only talk about the Democrats' agenda and what we are planning to do, and we are going to spend quite a bit of time talking about that during these hours.

But I think it is important that our colleagues and others who might hear us talking tonight understand that the reason that our taking the majority in the Congress was so important, besides our being able to implement an agenda, is the accountability factor.

We are going to come here, now that we are in the majority and control the agenda here, it is absolutely our responsibility because we have the ability to do it to hold this administration accountable, to ask questions, to hold hearings, to bring them here and make sure that they answer questions about their policies that the American people showed us on November 7 they don't agree with.

It is going to be incredibly important in the time that we spend on this floor that we not only talk about our agenda, but what we are doing to make sure that we restore the Congress' role, constitutional role, where we hold the administration accountable and reestablish the system of checks and balances.

Mr. MEEK of Florida. I think it is important, Mr. RYAN, Ms. WASSERMAN SCHULTZ, and also Mr. Speaker and Members, a perfect example of the balance of power. Now, in the 109th there were a lot of things said. I won't be giving any speeches any time soon saying I was proud to be a Member of the 109th Congress, because we had Members that were indicted, we had Members that were saying "I have a list, and if you are not on my contributors' list, you can't have a meeting with me." We had the K Street Project. We had a number of other things. We had the page scandal.

We had a number of things, because no one was policing the body of this U.S. House. No one took responsibility on telling the special interests, no, you can't have that. No one took the responsibility in standing up to the big oil companies and saying we are going to legislate on behalf of the American people.

When we start talking about investing in alternative fuels on this floor within the next couple of days, next week or what have you, that is going to be something that no one dreamed would ever take place.

I am holding this chart up because we have been holding it up, especially in the 109th Congress, to talk about the increases that Members of Congress have received in pay and what the American people have received, zero, since 1997 as it relates to an increase in the minimum wage.

Guess what? This chart, we can send it over to the National Archives across the street, because tomorrow we are going to increase the minimum wage.

Guess what a little legislative leadership brings? Now the President is saying "I am for the increase in the minimum wage." Isn't that something? And when we get on that board tomorrow, Mr. Speaker, I guarantee you that there are going to be a lot of Republicans that are going to say, you know something, and they are going to send a press release out and say "I voted for an increase in the minimum wage." Unheard of in the 109th Congress.

Mr. RYAN of Ohio. Unheard of in the 108th Congress, unheard in the 107th Congress.

Mr. MEEK of Florida. And on and on under Republican control. So I think it is very important for everyone to understand when we have legislative leadership, the writers of Constitution said there is going to be a legislative, an executive, a judicial. They did not say executive and legislative together. They didn't say someone calling from the White House and saying this is the way the vote is going to go down, and if you like it or not, this is what is going to happen.

I have been talking to some of my Republican colleagues, and we all have great relationships with our Republican colleagues, many of them. We had an issue with the Republican leadership leading them down the wrong road, and we even tried to correct some of those issues here on the floor saying, you know, we want to get in the majority, but we care about the American people first, so, please, vote for our amendment, when we could get one on the floor, a motion to recommit, saying we want to make sure the American people are involved in this. We couldn't even pull one Republican on many of those issues.

But tomorrow, thank God for our democracy, thank God for folks that voted for Democratic control of the House, we are going to have many Republicans that are going to vote. It is not going to be where were you yesterday, it is going to be thank God we are able to do something for the American people. So that is where we are.

When Ms. WASSERMAN SCHULTZ talked about legislative leadership, it is important. We have to be bold and we have to be bipartisan. I am just so happy that we are going to have the opportunity to do that. That is major,

Ms. WASSERMAN SCHULTZ, that is major, Mr. RYAN, for the American people to vote for change and to see it, immediately. Not, well, when is the next election? What? Two years and some change.

We are not even out of January yet, and we are already voting in a bipartisan way because of the leadership of the Democrats that say we have to increase the minimum wage, something we told the American people we would do. So I am excited about the fact, Mr. RYAN, that we are able not only in our lifetime but in our political lifetime to be able to deliver to the American people something that is important.

Ms. WASSERMAN SCHULTZ and Mr. RYAN, when we come back to the floor, we are going to have members of the Freshman Caucus, of the Democratic Caucus, that are going to be joining us here on this floor. These are individuals that are fresh, out of not only the campaign, but out of private life, to bring to this House the kind of input that we need.

One thing we are committed to do in the 30-Something Working Group, there is an old spiritual that says "we are in no ways tired." We are in no ways tired, because we have a war that is going on, we still have people without health care, we have a deficit that is continuing to run out of control. But we have now passed legislation to pay as we go. We now have the will and the desire to do the right thing on behalf of our veterans. All of the things we talked about.

So I look forward, Mr. Speaker, to coming to the floor to not only report on progress, but also to ask the Members on both sides of the aisle and the American people to give us the kind of input that we need.

We had the rubber stamp, Ms. WASSERMAN SCHULTZ and Mr. RYAN, that we asked the American people what should we do with the rubber stamp. I want to thank Mr. Manatos with the Speaker's office, I like to say that, with the Speaker's office, that facilitated that asking of the American people.

We are going to keep the rubber stamp, the Republican Congress rubber stamp of the 109th, to remind us that we never, ever want to go back to a rubber stamp Congress. It is not good for the country and it is not good for our future, and it is not good for the men and women that are our veterans and those that are now serving for our independence for us to be able to salute one flag. It is not good. That is not what the Constitution called for and that is not what we are going back to.

So there was a discussion of destroy the rubber stamp, or put the rubber stamp on E-Bay and give it to the Troop Relief Fund or whatever the case may be. But the overwhelming e-mails that we received in the 30-Something Working Group was keep the rubber stamp as a reminder of what you don't want to do in the 110th, if God is willing, in the 111th and the 112th and so

on and so on Congress, to not allow that to happen.

So, Mr. RYAN, I just want to say, I know Ms. WASSERMAN SCHULTZ joined us in the 109th, I want to thank you personally on the 108th, because it was kind of lonely. It was just the two of us. Every now and then we would get other members of the 30th-Something Working Group. I want to thank you for sticking in there over the years, and then when you are in the majority, commit to coming back with the same enthusiasm to say not only thank you, but to say that we are going to continue to work and we are going to continue to reach out and continue to do the things that we did in the minority to make sure that we have a strong majority and make this country stronger.

□ 2300

And I want to thank Ms. WASSERMAN SCHULTZ for all the things she does. And I don't know how she does it all, being a mom. I am a dad, but to be a mom is a totally different definition. But she comes to this Congress and brings not only what she brings from the Florida senate, but the same kind of energy, integrity and good will on behalf of the American people, so I want to thank you and all the other Members.

I want to thank Uncle Bill for being an individual that is receiving Medicare. He is a Medicare recipient now. The fact that he comes to the floor.

Mr. RYAN of Ohio. When we are here early, he comes to the floor.

Mr. MEEK of Florida. Right. When we come earlier, he comes to the floor.

And Mr. Manatos, he is the glue that keeps this whole thing together. I can't say enough about him. I want to thank him for all the work he has done. Even though we are all paid to do what we do, Mr. Speaker, it takes an extra wanting to serve the American people to come to this floor night after night.

And I want to take just a personal point. I want to thank my family for allowing me to be here, because I have two kids and a wife here in Washington, D.C. with me. They allow me to come to this floor. But the whole thing comes down to the fact that we have men and women that are deployed for 15 months at a time, so at least I can go two to three blocks to the Capitol at 10 o'clock at night, give them voice and those out in America voice that are punching in and out every day trying to figure out how they are going to get health care for their kids, how they are going to move in a direction where they will be able to have some savings and a tax cut as a middle class.

So I am very thankful. You all can tell I am a little emotional tonight. I see folks here, the Capitol Police and other folks here working tonight, saying, Congressman, you have a big smile on your face. It is my first time being on the floor in the majority. It is not only a historic majority but I am glad to be part of change and glad to do

something on behalf of the American people.

Mr. RYAN.

Mr. RYAN of Ohio. Cheers, brother. I couldn't agree with you more, and we want to thank you too for your leadership. We have had a good couple of years where one of us is inevitably tired and cranky, maybe hungry, and the other one has said, we have to go. We have to go do it. We have to keep going.

But when you look at what we are able to do, and I was just glancing over at the minimum-wage stuff, 13 million people would likely benefit from the increase. 7.7 million women, 3.4 million parents, and 4.7 million people of color will benefit, with an average family of three getting \$4,400 more a year in their pocket. That is why you do what you do. That is why you get into public life.

You start looking at some of the funding streams for community health clinics and safe and drug-free schools, and the Pell grants, and we are not going to be able to wave a magic wand, because we are in a heck of a hole, so it is going to take us a few years to get out of this, but we are going to start bringing some balance to this process. And I think average people are going to start being represented here under the dome.

We are not perfect. We will probably make some mistakes along the way, but I think they are going to be mistakes of us trying to do the right thing and make things happen. This is an incredibly complex system we run, with 435 Members from different walks of life, different States and different regions to try to make things happen. Then to go across the hall and try to agree with 100 people from 50 States, and balance that off the President and the executive branch is difficult, but I think we are laying down some good framework here that we can work in the next few weeks and hopefully in the next few years that will affect average people's lives.

So, cheers. And now to my Gator friend.

Ms. WASSERMAN SCHULTZ. Thank you. I think the key word you touched on is balance. That is why I am thrilled, and I know the two of you are as well, to have the opportunity to restore balance and to restore the American people's confidence in their government again.

Because, Mr. MEEK and Mr. RYAN, that is one of the things that was a casualty of the last several years, with the headline every other day, every day sometimes, about a colleague of ours on the other side of the aisle being indicted, as Mr. MEEK said, or arrested. We have former colleagues in jail. We have lobbyists that inappropriately tried to influence this process that are in jail.

This election, I think, was a reflection of the American people's desire for change and to move in a new direction. And one of the things that Speaker

PELOSI has talked about, and talked about so often in the campaign, is what her speakership and our majority will be about is making this the most bipartisan Congress in the United States history, with the inclusiveness and the participation that Members on both sides of the aisle will have an opportunity to have, and that that is incredibly important.

That extends beyond just the Members here, but extends to the voices of the people that we are serving. The net roots, for example. That is a community that has been so instrumental and so involved in getting the message out about what people in the country care about. I know that the three of us have interacted during our time on the floor here with folks involved in the net roots and they have given voice to so many people exponentially that would not have had the ability to get our message out. It is incredibly important.

Inclusiveness and balance and confidence in government is I think going to be the watch words that will be really the clarion call of our majority, so I really look forward to that opportunity.

I tell you, where we are at this stage of our careers and our lives, I have been in public office now for, gosh, I guess it is 16 years, which is kind of amazing. But it is actually 16 years, and I have spent 4 of those years in the majority in the State House. Mr. MEEK, we served a couple years in the majority together in the State House, and that is the last time that I had an opportunity to actually advance an agenda. We definitely spent a lot of time honing our defensive skills, and I think we have gotten pretty good at that and comparing and contrasting. But at the end of the day, most of us, the vast majority of us ran for office in order to make the world better, and now we have that opportunity.

Like you said, Mr. RYAN, we might not always do it right, but it won't be for lack of good intentions and it won't be for lack of trying to stand up for those who have no voice, which I think will be quite a marked contrast compared to, and I hate to directly question the intentions, but compared to the intentions of some over the last few years. That is the most diplomatic way I can put it.

Mr. RYAN of Ohio. Very diplomatic. I want to make one final point before we close up here.

If the elections didn't go the way they were supposed to, or the way they did, I should say, and this was still a Republican-controlled House and a Republican-controlled Senate, just to put all this in context, what would have happened is the President would have said that we want to put 20,000 or 30,000 more troops in Iraq, and this Congress would have got out the rubber stamp, and it would have been a done deal. And in several months there would be a \$100 billion supplemental and there would be 30,000 more troops in Iraq, and

we would be further down the line. There would be no question that that is exactly what would have happened.

So the power and the force of the American people in their statement that they made basically says we are going to have a discussion about this. Now, how this ends up, we don't know. But I know from a personal perspective there is going to be some strong resistance to adding any more troops, and we are going to have a discussion about money and everything else.

Now, we don't have a caucus position, but the bottom line is this: there is going to be a discussion. And that is what is great about this country, and that is what is great about the elections. It is not just going to get rammed through this House, and the American people are not going to feel helpless. They are going to feel like they are here.

I know we are ready to wrap things up. Mr. MEEK, great game last night. You are actually a Miami of Florida fan.

Mr. MEEK of Florida. Miami of Florida? I can tell you are from Ohio.

Mr. RYAN of Ohio. Miami of Florida. Ms. WASSERMAN SCHULTZ. Go Rattlers.

Mr. RYAN of Ohio. That is what I said.

Mr. MEEK of Florida. No, you said I am actually a Miami of Florida fan. I can tell you are from Ohio. Miami of Ohio? We say Miami, Florida. We don't say Miami of Florida. But thank you, Mr. RYAN.

Mr. RYAN of Ohio. All I am saying is that last night he was like a big Gator fan.

Ms. WASSERMAN SCHULTZ. We are all big Gator fans.

Mr. RYAN of Ohio. Now, I can see Ms. WASSERMAN SCHULTZ, because I have seen the outfit. But you, all of a sudden they win and you are now a big fan.

But I want to congratulate you. This is not poor sportsmanship. Ms. WASSERMAN SCHULTZ, I want to congratulate you as well. Thank you for all your hard work.

And I yield to my good friend.

Mr. MEEK of Florida. Mr. RYAN, you claimed Ohio State, but you live in Niles, Ohio, far from where Ohio State is located.

Mr. RYAN of Ohio. Wait a minute, I want to clarify, it is the Ohio State university.

Mr. MEEK of Florida. I am not yielding to you. I am yielding to Ms. WASSERMAN SCHULTZ for closing. I am going to close, then you are going to give the Web site. Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. I just want to close by saying that I look forward to the opportunity to continuing the balance that we have been trying to strike the last number of years and having the opportunity to implement our agenda, to move this country in a new direction, and begin to establish some real accountability and oversight with this administration.

I look forward to joining you on the floor with the 30-something Working Group and having our new colleagues, the new additions, the new recruits in the 30-something Working Group, which is the freshman class.

Mr. MEEK of Florida. Thank you, Ms. WASSERMAN SCHULTZ.

I can tell you that in the 30-something Working Group we do, Mr. Speaker, kind of mix it up here and there, but I think it is very, very important. I am glad we came tonight just to reflect on the work, and to say thank you to the American people, and to say thank you to the staff here in the House, and to say thank you to all of our families.

I would like to say thank you to our personal staff that work in our offices. We get together, Mr. Speaker, and we go over this information, what works best here for the American people. So we just don't come to the floor. We actually spend a lot of staff time. So we want to say thank you to our staffs.

Once again, we would like to say thank you to the Speaker for creating this group and sticking with us and giving us the resources that we need to come to the floor night after night, and we look forward to continuing to do that.

The good thing about this 30-something Working Group, Mr. Speaker, is that this wasn't a project to get in the majority; this was a project to work on behalf of the American people. So in the majority we will continue to do the things we did in the minority because we still have people out there that need the kind of representation in a sensible way. This is not partisan. We are going to read off the song sheet of whatever the Democratic National Committee puts out. That is not what it is all about. It is about giving voice, commonsense solutions, and moving in the direction that we have to move in.

So we look forward to working with our Republican colleagues. And I am so honored, Mr. Speaker, to yield to Mr. RYAN to give the Web site out, and then I am going to yield back our time. But since we no longer can use our old Web site, because we are in the majority now, Mr. Manatos had to write it on some notebook paper to give out to the Members until we get our Web site memorized.

Mr. RYAN of Ohio. We are still maintaining our grass-roots approach here with the legal pad. WWW.Speaker.gov/30something.

Mr. MEEK of Florida. Can you give that out one more time?

Mr. RYAN of Ohio. WWW.Speaker.gov/30something.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ORTIZ (at the request of Mr. HOYER) for today.

Mr. BUYER (at the request of Mr. BOEHNER) for today and the balance of the week on account of medical reasons.

Mr. GILLMOR (at the request of Mr. BOEHNER) for today on account of personal reasons.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WATSON) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

(The following Members (at the request of Mr. MARIO DIAZ-BALART) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today and January 10, 11, and 12.

Mr. BURTON of Indiana, for 5 minutes, January 10, 11, and 12.

Mr. PRICE of Georgia, for 5 minutes, January 10.

Mr. SHUSTER, for 5 minutes, January 10.

Mr. PAUL, for 5 minutes, January 11.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 197. An act to authorize salary adjustments for justices and judges of the United States for fiscal year 2007; to the Committee on the Judiciary.

#### SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 159. An act to redesignate the White Rocks National Recreation Area in the State of Vermont as the "Robert T. Stafford White Rocks National Recreation Area".

#### ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 10, 2007, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

58. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Tolerance Nomenclature Changes; Technical Amendment [EPA-HQ-OPP-2002-0043; FRL-8064-3] received December 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

59. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Azoxystrobin; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2006-0823; FRL-8100-9] received December 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

60. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Boscalid; Pesticide Tolerance [EPA-HQ-OPP-2005-0145; FRL-8107-8] received December 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

61. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Dimethomorph; Pesticide Tolerance [EPA-HQ-OPP-2005-0532; FRL-8104-6] received December 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

62. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Tolerance for Emergency Exemptions (Multiple Chemicals) [EPA-HQ-OPP-2006-0942; FRL-8105-4] received December 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

63. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fluroxypyr; Pesticide Tolerance [EPA-HQ-OPP-2005-0536; FRL-8107-7] received December 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

64. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Glyphosate; Pesticide Tolerance [EPA-HQ-OPP-2006-0177; FRL-8105-9] received December 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

65. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Metconazole; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2006-0655; FRL-8095-4] received December 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

66. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Myclobutanil; Pesticide Tolerance [EPA-HQ-OPP-2006-0282; FRL-8105-1] received December 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

67. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Flucarbazone-sodium; Pesticide Tolerance [EPA-HQ-OPP-2006-0935; FRL-8105-6] received December 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

68. A letter from the Acting Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's "Major" final rule — Non-discrimination and Wellness Programs in Health Coverage in the Group Market (RIN:

1545-AY32) received December 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

69. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Interstate Rule (CAIR) and Federal Implementation Plans for CAIR; Corrections [EPA-HQ-OAR-2004-0076; FRL-8254-7] (RIN: 2060-AM99) received December 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

70. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Final Extension of the Deferred Effective Date for 8-hour Ozone National Ambient Air Quality Standards for Early Action Compact Areas; Correction [EPA-HQ-OAR-2003-0090; FRL-8256-7] (RIN: 2060-AN90) received December 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

71. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Final Rule Interpreting the Scope of Certain Monitoring Requirements for State and Federal Operating Permits Programs [EPA-HQ-OAR-2003-0179; FRL-8257-3] (RIN: 2060-AN74) received December 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

72. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Area Sources: Polyvinyl Chloride and Copolymers Production, Primary Copper Smelting, Secondary Nonferrous Metals-Zinc, Cadmium, and Beryllium [EPA-HQ-OAR-2006-0510; FRL-8257-4] (RIN: 2060-AN45) received December 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

73. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry [EPA-HQ-OAR-2002-0051 FRL-8256-4] (RIN: 2060-AJ78) received December 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

74. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Notice of Finding that Certain States Did Not Submit Clean Air Mercury Rule (CAMR) State Plans for New and Existing Electric Utility Steam Generating Units and Status of Submission of Such Plans [FRL-8255-9] received December 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

75. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone; The 2007 Critical Use Exemption from the Phaseout of Methyl Bromide [EPA-HQ-OAR-2005-0538; FRL-8257-2] (RIN: 2060-AN54) received December 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

76. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — 2006 Reporting Notice and Amendment; Partial Updating of TSCA Inventory Database; Chemical Substance Production, Processing, and Use Site Reports [EPA-HQ-OPPT-2006-0981; FRL-8109-9] (RIN: 2070-AC61) received December 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

77. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Redesignation of the Kent and Queen Anne's 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Maintenance [EPA-R03-OAR-2006-0353; FRL-8259-7] received December 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

78. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio; Revision to Ohio State Implementation Plan to Rescind Oxides of Nitrogen Rule [EPA-R05-OAR-2006-0354; FRL-8259-5] received December 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

79. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobile and Light-Duty Trucks [EPA-HQ-OAR-2002-0093; FRL-8260-7] (RIN: 2060-AN10) received December 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

80. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry [EPA-HQ-OAR-2005-00475; FRL-8259-6] (RIN: 2060-AK14) received December 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

81. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Toxics Release Inventory Burden Reduction Final Rule [TRI-2005-0073; FRL-8260-4] (RIN: 2025-AA14) received December 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

82. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Superfund, Section 128(a); Notice of Grant Funding Guidance for State and Tribal Response Programs [FRL-8253-9] received December 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

83. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fuel Economy Labeling of Motor Vehicles: Revisions to Improve Calculation of Fuel Economy Estimates [EPA-HQ-OAR-2005-0169; FRL-8257-5] (RIN: 2060-AN14) received December 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

84. A communication from the President of the United States, transmitting an supplemental consolidated report, consistent with the War Powers Resolution, to help ensure that the Congress is kept fully informed on U.S. military activities in support of the war on terror, Kosovo, and Bosnia and Herzegovina, pursuant to Public Law 93-148; (H. Doc. No. 110-5); to the Committee on Foreign Affairs and ordered to be printed.

85. A communication from the President of the United States, transmitting notification of his intention to add East Timor to the list of beneficiary developing countries and to the list of least-developed beneficiary developing countries under the Generalized System of Preferences, submitted in accordance

with section 502 (f) of the Trade Act of 1974; (H. Doc. No. 110-6); to the Committee on Ways and Means and ordered to be printed.

86. A letter from the Deputy Chief Counsel, Regulations, Department of Homeland Security, transmitting the Department's "Major" final rule — Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License [Docket Nos. TSA-2006-24191; Coast Guard-2006-24196; TSA Amendment Nos. 1515- (New), 1540-8, 1570-2, 1572-7] (RIN: 1652-AA41) received January 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ENGLISH of Pennsylvania (for himself, Mr. HAYES, and Mr. REYNOLDS):

H.R. 321. A bill to require the Secretary of the Treasury to analyze and report on the exchange rate policies of the People's Republic of China, and to require that additional tariffs be imposed on products of that country on the basis of the rate of manipulation by that country of the rate of exchange between the currency of that country and the United States dollar; to the Committee on Ways and Means.

By Mr. BARTLETT of Maryland (for himself, Mr. GINGREY, Mr. WELLER, Mr. CHABOT, Mr. DANIEL E. LUNGREN of California, Mr. LIPINSKI, Mr. DAVIS of Kentucky, Mr. LINCOLN DAVIS of Tennessee, Mr. FRANKS of Arizona, Mr. HUNTER, Mrs. MUSGRAVE, Mr. JONES of North Carolina, Mr. INGLIS of South Carolina, and Mr. GILCHREST):

H.R. 322. A bill to derive human pluripotent stem cell lines using techniques that do not harm human embryos; to the Committee on Energy and Commerce.

By Mr. BACHUS (for himself, Mr. FRANK of Massachusetts, Mrs. MALONEY of New York, Mr. GILLMOR, Mr. HENSARLING, Mr. MOORE of Kansas, Mrs. BIGGERT, Mr. JONES of North Carolina, Ms. WASSERMAN SCHULTZ, Mr. SHAYS, Mr. FEENEY, Mr. HINOJOSA, Mr. PAUL, Mr. GARRETT of New Jersey, Mr. CLAY, Mr. RENZI, Mr. NEUGEBAUER, Mr. DAVIS of Kentucky, Mr. MCHENRY, Ms. HOOLEY, Mrs. MCCARTHY of New York, and Mr. MATHESON):

H.R. 323. A bill to amend section 5313 of title 31, United States Code, to reform certain requirements for reporting cash transactions, and for other purposes; to the Committee on Financial Services.

By Mr. MCKEON (for himself, Mr. MCCRERY, Mr. KLINE of Minnesota, Mrs. BIGGERT, Mr. TIBERI, Mr. FORTUÑO, Mrs. DRAKE, Mr. ENGLISH of Pennsylvania, Mr. LEWIS of Kentucky, Mr. PORTER, Mr. CAMP of Michigan, Mr. WELLER, Mr. HELLER, Mr. LINDER, Mr. MCCAUL of Texas, Mr. DANIEL E. LUNGREN of California, Mr. BAKER, Mrs. SCHMIDT, Mr. FRELINGHUYSEN, Mr. ADERHOLT, Mrs. JO ANN DAVIS of Virginia, Mr. CALVERT, Mr. BOOZMAN, Mr. FORTENBERRY, Mr. KIRK, and Mr. REHBERG):

H.R. 324. A bill to increase the minimum wage, to provide access to health care coverage to employees of small businesses, and to preserve American jobs; to the Committee

on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS (for himself and Mr. HINOJOSA):

H.R. 325. A bill to create or adopt, and implement, rigorous and voluntary American education content standards in mathematics and science covering kindergarten through grade 12, to provide for the assessment of student proficiency benchmarked against such standards, and for other purposes; to the Committee on Education and Labor.

By Mr. BUTTERFIELD:

H.R. 326. A bill to amend title XIX of the Social Security Act to require that each State plan for medical assistance under Medicaid provide that the financial participation of the State is 100 percent of the non-Federal share of expenditures under the plan; to the Committee on Energy and Commerce.

By Mr. BOSWELL (for himself, Mr.

KIND, Ms. JACKSON-LEE of Texas, Mr. LIPINSKI, Mr. HINCHEY, Mr. ENGEL, Mr. ROSS, Mr. WEINER, Ms. WOOLSEY, Mr. SCHIFF, Mr. LINCOLN DAVIS of Tennessee, Mrs. CAPPS, Mr. BRADY of Pennsylvania, Mr. GUTIERREZ, Mrs. LOWEY, Mr. LANTOS, Ms. SCHWARTZ, Mr. MEEKS of New York, Mr. ORTIZ, Mr. NEAL of Massachusetts, Mr. MCGOVERN, Mr. RAHALL, Mr. SPRATT, Mr. BOUCHER, Mr. HONDA, Ms. MATSUI, Mr. MCINTYRE, Ms. WATERS, Mr. CRAMER, Mr. MOLLOHAN, Mr. WEXLER, Mr. MILLER of North Carolina, Mr. CROWLEY, Ms. MCCOLLUM of Minnesota, Ms. SCHAKOWSKY, Mr. MOORE of Kansas, Mr. RUPPERSBERGER, Mr. OLVER, Mr. COSTELLO, Mr. POMEROY, Mr. SALAZAR, Mrs. NAPOLITANO, Mr. LATHAM, Mr. MICHAUD, Mrs. MALONEY of New York, Mr. LANGEVIN, Mr. PASCRELL, Mrs. MCCARTHY of New York, Mr. STARK, Mr. EDWARDS, Mr. MORAN of Virginia, Mr. KING of Iowa, Mr. BERMAN, Mr. ETHERIDGE, Mr. LOEBACK, Mr. MARSHALL, Mr. FILLNER, Ms. CORRINE BROWN of Florida, Mr. MCDERMOTT, Mr. BRALEY of Iowa, Mr. KENNEDY, Mr. LARSON of Connecticut, Ms. ZOE LOFGREN of California, Mr. BAIRD, Mr. WATT, Mr. SHERMAN, Mr. TAYLOR, Mr. CHANDLER, Mr. BERRY, Mr. HOLDEN, Mr. DONNELLY, Mr. HILL, Mr. BOYD of Florida, Mr. CARDOZA, Mr. MELANCON, Ms. HARMAN, Ms. BEAN, Mr. PETERSON of Minnesota, Mr. BACA, Mr. COSTA, Mr. MATHESON, Mr. BARROW, Mr. SCOTT of Georgia, Mr. SHULER, Mr. WILSON of Ohio, Mr. PATRICK MURPHY of Pennsylvania, Ms. HERSETH, Mr. MAHONEY of Florida, Mr. ELLSWORTH, Mr. HAYES, and Mr. WAMP):

H.R. 327. A bill to direct the Secretary of Veterans Affairs to develop and implement a comprehensive program designed to reduce the incidence of suicide among veterans; to the Committee on Veterans' Affairs.

By Ms. NORTON (for herself and Mr. TOM DAVIS of Virginia):

H.R. 328. A bill to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes; to the Committee on the Judiciary.

By Mr. BOUCHER (for himself and Mr. GOODE):

H.R. 329. A bill to amend title 40, United States Code, to designate certain counties as part of the Appalachian region; to the Committee on Transportation and Infrastructure.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 330. A bill to establish a Federal program to provide reinsurance to improve the availability of homeowners' insurance; to the Committee on Financial Services.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 331. A bill to direct the Secretary of Veterans Affairs to conduct a study of the accuracy of expiration dates on certain prescription drugs maintained by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. CARTER:

H.R. 332. A bill to amend title II of the Social Security Act to provide that wages earned, and self-employment income derived, by individuals while such individuals were not citizens or nationals of the United States and were illegally in the United States shall not be credited for coverage under the old-age, survivors, and disability insurance program under such title; to the Committee on Ways and Means.

By Mr. MARSHALL:

H.R. 333. A bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability rated less than 50 percent to receive concurrent payment of both retired pay and veterans' disability compensation, to eliminate the phase-in period for concurrent receipt, to extend eligibility for concurrent receipt and combat-related special compensation to chapter 61 disability retirees with less than 20 years of service, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE:

H.R. 334. A bill to require the House of Representatives and the Senate to each establish a Subcommittee on Intelligence in the Committee on Appropriations, and for other purposes; to the Committee on Rules, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CUBIN:

H.R. 335. A bill to designate the facility of the United States Postal Service located at 152 North 5th Street in Laramie, Wyoming, as the "Gale W. McGee Post Office"; to the Committee on Oversight and Government Reform.

By Mrs. DAVIS of California:

H.R. 336. A bill to require the distribution by the National Technical Information Service of monthly updates of the Death Master List prepared by the Social Security Administration to all nationwide consumer reporting agencies, to require such consumer reporting agencies to maintain a permanent fraud alert in each file of a consumer whose name appears on the Death Master List, and for other purposes; to the Committee on Financial Services.

By Mrs. DAVIS of California (for herself and Mr. McDERMOTT):

H.R. 337. A bill to eliminate the unfair and disadvantageous treatment of cash military compensation other than basic pay under the supplemental security income benefits program; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 338. A bill to improve communications interoperability for emergency response; to the Committee on Energy and Commerce.

By Mr. DUNCAN:

H.R. 339. A bill to amend title 38, United States Code, to improve access to medical

services for veterans seeking treatment at Department of Veterans Affairs outpatient clinics with exceptionally long waiting periods; to the Committee on Veterans' Affairs.

By Mr. DUNCAN:

H.R. 340. A bill to amend title II of the Social Security Act to allow remarried widows, widowers, and surviving divorced spouses to become or remain entitled to widow's or widower's insurance benefits if the prior marriage was for at least 10 years; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 341. A bill to amend title II of the Social Security Act to provide for payment of lump-sum death payments upon the death of a spouse; to the Committee on Ways and Means.

By Mrs. EMERSON (for herself, Mr. AKIN, Mr. BLUNT, Mr. CARNAHAN, Mr. CLAY, Mr. CLEAVER, Mr. GRAVES, and Mr. HULSHOF):

H.R. 342. A bill to designate the United States courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the "Rush Hudson Limbaugh, Sr., United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mrs. EMERSON:

H.R. 343. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit to military retirees for premiums paid for coverage under Medicare Part B; to the Committee on Ways and Means.

By Mr. FEENEY (for himself, Mr. MARIO DIAZ-BALART of Florida, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 344. A bill to ensure that Federal emergency management funds are not used for crisis counseling, recreation, or self-esteem building classes or instruction; to the Committee on Transportation and Infrastructure.

By Mr. HOEKSTRA:

H.R. 345. A bill to amend the Internal Revenue Code of 1986 to temporarily provide a shorter recovery period for the depreciation of certain systems installed in nonresidential buildings; to the Committee on Ways and Means.

By Mr. JONES of North Carolina (for himself, Mr. GONZALEZ, Mr. ACKERMAN, Mr. MCGOVERN, Mr. HAYES, Mr. LAHOOD, Ms. BORDALLO, Mr. ORTIZ, Mr. PICKERING, Mr. GALLEGLY, Mr. AKIN, Mr. RENZI, Mr. WHITFIELD, and Mr. ABERCROMBIE):

H.R. 346. A bill to redesignate the Department of the Navy as the Department of the Navy and Marine Corps; to the Committee on Armed Services.

By Mr. JONES of North Carolina:

H.R. 347. A bill to amend the Federal Election Campaign Act of 1971 to require political committees which are associated but not affiliated with a Federal candidate or officeholder to include in the statements of organization and the reports such committees file with the Federal Election Commission the identification of each candidate or officeholder with which the committee is associated, and for other purposes; to the Committee on House Administration.

By Mr. JONES of North Carolina:

H.R. 348. A bill to amend title 5, United States Code, to provide that a Member of Congress convicted of any of certain felony offenses shall not be eligible for retirement benefits based on that individual's Member service, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLINE of Minnesota:

H.R. 349. A bill to amend the Clean Air Act to require all gasoline sold for use in motor vehicles to contain 10 percent renewable fuel in the year 2010 and thereafter, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KLINE of Minnesota:

H.R. 350. A bill to prohibit a convicted sex offender from obtaining approval of immigration petitions filed by the offender on behalf of family members; to the Committee on the Judiciary.

By Ms. LEE:

H.R. 351. A bill to establish the Independent Commission on the 2004 Coup d'Etat in the Republic of Haiti; to the Committee on Foreign Affairs.

By Ms. LEE:

H.R. 352. A bill to require poverty impact statements for certain legislation; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself, Mr. MEEHAN, Mr. GRIJALVA, Mr. DELAHUNT, Mr. MCGOVERN, and Mr. ABERCROMBIE):

H.R. 353. A bill to prohibit the use of funds for an escalation of United States forces in Iraq above the numbers existing as of January 9, 2007; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY of New York:

H.R. 354. A bill to amend the Elementary and Secondary Education Act of 1965 to improve school safety; to the Committee on Education and Labor.

By Mrs. MCCARTHY of New York (for herself and Mr. DANIEL E. LUNGREN of California):

H.R. 355. A bill to direct the Attorney General to conduct a study on the feasibility of expanding the National Incident-Based Reporting System to identify crime data relating to elementary and secondary schools; to the Committee on the Judiciary.

By Mr. MCKEON:

H.R. 356. A bill to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States; to the Committee on Natural Resources.

By Mr. REHBERG (for himself, Ms. HERSETH, and Mrs. CUBIN):

H.R. 357. A bill to amend the Agricultural Marketing Act of 1946 to implement mandatory country of origin labeling requirements for meat and produce on September 30, 2007; to the Committee on Agriculture.

By Mr. REICHERT:

H.R. 358. A bill to amend title 38, United States Code, to expand and make permanent the Department of Veterans Affairs benefit for Government markers for marked graves of veterans buried in private cemeteries, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. SOLIS:

H.R. 359. A bill to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar E. Chavez and the farm labor movement; to the Committee on Natural Resources.

By Mrs. TAUSCHER (for herself, Mr. MEEHAN, and Mr. SPRATT):

H.R. 360. A bill to provide for counterproliferation measures; to the Committee on Foreign Affairs.



By Ms. LEE:

H. Con. Res. 19. Concurrent resolution affirming the sense of Congress regarding the obligation of the United States to improve the lives of the 36,950,000 Americans living in poverty and the 15,928,000 of those who live in extreme poverty; to the Committee on Oversight and Government Reform.

By Mr. SMITH of New Jersey (for himself, Mr. ENGEL, Mr. WALSH of New York, Mr. NEAL of Massachusetts, Mr. KING of New York, Mr. PAYNE, Mr. GARRETT of New Jersey, Mr. PALLONE, Mr. CROWLEY, Mr. McNULTY, and Mr. ROTHMAN):

H. Con. Res. 20. Concurrent resolution calling on the Government of the United Kingdom to immediately establish a full, independent, and public judicial inquiry into the murder of Northern Ireland defense attorney Patrick Finucane, as recommended by Judge Peter Cory as part of the Weston Park Agreement, in order to move forward on the Northern Ireland peace process; to the Committee on Foreign Affairs.

By Mr. ROTHMAN (for himself, Mr. KIRK, Mr. TOWNS, Mr. CROWLEY, Mr. ENGEL, Mrs. MCCARTHY of New York, Ms. SCHAKOWSKY, Mr. JOHNSON of Illinois, Mr. INGLIS of South Carolina, Mr. BURTON of Indiana, Ms. BERKLEY, Mr. SESSIONS, Mr. PATRICK MURPHY of Pennsylvania, Mr. FATTAH, Mr. CARNEY, Mr. McNULTY, Mr. KLEIN of Florida, Mr. McCAUL of Texas, Mr. MANZULLO, Mr. ROHRBACHER, Mr. SAXTON, and Mr. LEWIS of Georgia):

H. Con. Res. 21. Concurrent resolution calling on the United Nations Security Council to charge Iranian President Mahmoud Ahmadinejad with violating the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and the United Nations Charter because of his calls for the destruction of the State of Israel; to the Committee on Foreign Affairs.

By Mr. DREIER:

H. Res. 38. A resolution to enhance intelligence oversight authority; to the Committee on Rules.

By Ms. WASSERMAN SCHULTZ (for herself, Ms. CORRINE BROWN of Florida, Mr. STEARNS, Mr. BUCHANAN, Mr. MAHONEY of Florida, Mr. HASTINGS of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. WEXLER, Ms. CASTOR, Mr. MICA, and Mr. MARIO DIAZ-BALART of Florida):

H. Res. 39. A resolution commending the University of Florida Gators for their victory in the 2006 Bowl Championship Series (BCS) and for winning the national college football championship; to the Committee on Education and Labor.

By Mr. MCHENRY (for himself, Mr. GERLACH, Mr. CARTER, Mr. WILSON of South Carolina, Mr. FEENEY, Mr. BOUSTANY, Mr. CANTOR, Mr. PRICE of Georgia, Mr. KLINE of Minnesota, Mr. CAMPBELL of California, Mr. BURTON of Indiana, Mr. HENSARLING, Mr. ISSA, Ms. GRANGER, Mr. GARRETT of New Jersey, Mr. COBLE, Mr. GINGREY, Mr. FRANKS of Arizona, and Mrs. SCHMIDT):

H. Res. 40. A resolution amending the Rules of the House of Representatives to establish a minority bill of rights to require the House to be administered in a bipartisan manner and to require regular order in the legislative process; to the Committee on Rules.

By Mr. MEEHAN (for himself, Mr. STARK, Mr. ALLEN, Mr. BLUMENAUER,

Mrs. CAPPS, Mr. DEFAZIO, Mr. PAYNE, Ms. WOOLSEY, Mr. GRIJALVA, Ms. BALDWIN, Ms. MCCOLLUM of Minnesota, Mr. MARKEY, Mr. HONDA, Mr. CUMMINGS, Mr. KENNEDY, and Mrs. TAUSCHER):

H. Res. 41. A resolution expressing the sense of the House of Representatives that an increase in number of members of the United States Forces deployed in Iraq is the wrong course of action and that a drastic shift in the political and diplomatic strategy of the United States is needed to help secure and stabilize Iraq; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ORTIZ (for himself, Mr. HALL of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. EDWARDS, Mr. GENE GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. DOGGETT, Mr. REYES, Mr. HINOJOSA, Mr. GONZALEZ, Mr. RODRIGUEZ, Mr. AL GREEN of Texas, Mr. CUELLAR, and Mr. LAMPSON):

H. Res. 42. A resolution recognizing Ann Richards' extraordinary contributions to Texas and American public life; to the Committee on Oversight and Government Reform.

By Mr. SIMPSON (for himself and Mr. SALI):

H. Res. 43. A resolution commending the Boise State University Broncos football team for winning the 2007 Fiesta Bowl and completing an undefeated season; to the Committee on Education and Labor.

By Mr. STEARNS (for himself, Ms. GINNY BROWN-WAITE of Florida, Mr. PUTNAM, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CRENSHAW, Mr. MACK, Mr. BILIRAKIS, Mr. KLEIN of Florida, Ms. ROS-LEHTINEN, and Ms. CASTOR):

H. Res. 44. A resolution to commend the University of Florida Gators for winning the Bowl Championship Series National Championship Game; to the Committee on Education and Labor.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

[Filed on January 4, 2007]

Mr. KING of New York introduced a bill (H.R. 240) for the relief of Alemseghed Mussie Tesfamical; which was referred to the Committee on the Judiciary.

[Filed on January 5, 2007]

Ms. LEE introduced a bill (H.R. 320) for the relief of Geert Botzen; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of January 5, 2006]

H.R. 11: Mr. FARR, Mr. WEXLER, Mr. MCGOVERN, Mr. BOUCHER, Mr. ACKERMAN, Mr. STARK, Ms. ZOE LOFGREN of California, Mrs. DAVIS of California, Ms. LINDA T. SANCHEZ of

California, Mr. HOLT, Mr. DELAHUNT, Mr. BERMAN, and Mr. THOMPSON of Mississippi.

H.R. 14: Mr. SESSIONS.

H.R. 17: Mr. BLUMENAUER, Mr. REICHERT, Mr. LINCOLN DAVIS of Tennessee, and Mr. WU.

H.R. 19: Mr. MCCOTTER.

H.R. 25: Mr. GINGREY, Mrs. DRAKE, and Mr. YOUNG of Alaska.

H.R. 51: Ms. BORDALLO.

H.R. 54: Ms. BORDALLO.

H.R. 65: Mr. CONYERS, Mr. McDERMOTT, Mr. GEORGE MILLER of California, Mr. TOWNS, Mr. CLYBURN, Mr. FATTAH, Mr. RUPPERSBERGER, Mr. OLVER, Mr. PASTOR, Mr. SCOTT of Georgia, Mr. BISHOP of Georgia, Mrs. JONES of Ohio, Mr. HOYER, Ms. MILLENDER-MCDONALD, and Ms. JACKSON-LEE of Texas.

H.R. 135: Mr. GOODLATTE.

H.R. 137: Mr. CAMPBELL of California, Mr. SHIMKUS, Mr. DEAL of Georgia, Mr. NORWOOD, Mr. JONES of North Carolina, Mr. SHADEGG, Mr. BILBRAY, Ms. PRYCE of Ohio, Mr. MORAN of Virginia, Mr. LINDER, Mr. MARKEY, Mr. BERMAN, Mr. UPTON, Mr. ISSA, Mr. SAXTON, Mr. GARY G. MILLER of California, Mr. WELDON of Florida, Mr. SMITH of New Jersey, Mr. ROYCE, Mr. FOSSELLA, Mr. SHAYS, Mr. CRAMER, Mr. WOLF, Ms. HARMAN, Mr. COSTELLO, Mr. WELLER, Mr. KIRK, Mr. FRANKS of Arizona, Mr. WALSH of New York, Mr. KING of New York, Mr. GILCHREST, and Mr. FARR.

H.R. 171: Mr. RUPPERSBERGER.

H.R. 183: Mr. BAKER.

H.R. 211: Mr. MELANCON, Mr. HOEKSTRA, Mr. WOLF, Mr. LEWIS of Kentucky, Mr. CONAWAY, Mr. RUPPERSBERGER, and Mr. FILLNER.

H.J. Res. 1: Mr. JONES of North Carolina, Mr. PETERSON of Minnesota, Mr. TAYLOR, and Mr. MARSHALL.

H.J. Res. 2: Ms. BORDALLO.

H. Con. Res. 2: Ms. BORDALLO.

H. Con. Res. 9: Ms. MCCOLLUM of Minnesota, Mr. BUTTERFIELD, and Ms. NORTON.

H. Res. 18: Mr. ROYCE, Mr. ROHRBACHER, Mrs. BLACKBURN, Mrs. JO ANN DAVIS of Virginia, Mr. GINGREY, Mr. GARRETT of New Jersey, Mr. PAUL, Mr. SESSIONS, Mr. GARY G. MILLER of California, Mr. HAYES, Mr. DUNCAN, and Mr. TANCREDI.

## CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY Mr. BENNIE G. THOMPSON OF MISSISSIPPI

H.R. 1, the "Implementing the 9/11 Commission Recommendations Act of 2007," does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d) or 9(e) of House Rule XXI.

OFFERED BY Mr. GEORGE MILLER OF CALIFORNIA

H.R. 2, the Fair Minimum Wage Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 110<sup>th</sup> CONGRESS, FIRST SESSION

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WASHINGTON, TUESDAY, JANUARY 9, 2007

No. 4

## Senate

The Senate met at 10 a.m. and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Divine Master, You are our stronghold and the pioneer of our future. Teach us to work with greater faithfulness. May pleasing You become our primary focus as You place a song in our heart for each burden on our shoulders.

Guide our lawmakers today. Lead them to Your fortress of love, patience, and kindness. Remind them that any success alien to Your way is worse than failure and that any failure in Your Spirit is better than gold. Let Your benediction rest upon our Senators, and may they bring their stewardship in line with the destiny You desire for their lives. Make them channels of Your grace and coworkers in the building of Your kingdom.

We pray in Your wonderful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 9, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, this morning, the Senate will be in a period of morning business until 11 a.m. The minority will control the first half and the majority will control the second half. Under a previous order, the Senate will begin consideration of the ethics legislation at 11 a.m., for debate only, until the Senate goes into recess for its normal weekly party conference luncheons.

The managers of the bill will be here at 11 a.m., and they will be making their opening statements, if appropriate, as well as a number of other Members who have expressed an interest in speaking this morning. When the Senate returns after the party luncheons, the substitute amendment will be laid down. So Members should be ready to review this amendment and prepare their amendments accordingly.

I am working with the distinguished Republican leader to see if we can offer something together—I am hopeful and very confident we can—as a substitute amendment.

### ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that following the opening statements of Senators FEINSTEIN and BENNETT with respect to S. 1, the following Senators be recognized to

speak for the times specified: Senator TESTER, 10 minutes; Senator NELSON of Florida, 15 minutes; Senator SALAZAR, 15 minutes; and that when the Senate reconvenes at 2:15, debate time be extended for another 30 minutes, with Senators LIEBERMAN and COLLINS recognized for 15 minutes each; that following that time, the majority leader be recognized to offer a substitute amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, let me be very clear that if a Republican Member is available and desires to speak, they would follow a Democratic speaker. We would alternate that. These times only list Democrats, but if there is a Republican, we will insert them between the two, if they want to speak.

### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

### SENATOR ALBEN BARKLEY

Mr. McCONNELL. Mr. President, a few months prior to this body's convening last week, I was honored and humbled when my colleagues elected me to serve as the Republican leader in the 110th Congress.

I am thankful for the trust my friends have placed in me, and I won't break that trust.

At such a time as this, and in such an historic Chamber, my thoughts turn toward great Kentuckians of the past who have left their indelible mark on this body.

Henry Clay served as Speaker of the House, Senator, and Secretary of State, despite losing three Presidential campaigns.

John Sherman Cooper served as the conscience of the Senate, and I have

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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spoken on this floor before of the admiration and respect I will always have for the Senator who mentored me in my first job on Capitol Hill.

But there is another famous Kentuckian who once dominated these Senate hallways who we should not forget.

He was a key lawmaker during World War II, and close friend to Presidents—a passionate orator, champion of the New Deal, and popular teller of tall tales. After his Senate service, he made famous the nickname “the Veep.”

That man is Alben Barkley, the last, and until now, the only Senator from Kentucky to be elected his party's leader.

Senator Barkley served as majority leader for 10 years, from 1937 to 1947, longer than anyone else before him. From 1947 to 1949 he served as minority leader, and in 1948 he was elected Vice President to President Truman.

But some of my colleagues may not know that Senator Barkley almost became the first President of the United States from Kentucky since Abraham Lincoln. He lost that opportunity by taking a courageous stand to put the Senate, the Senators he led, and principle ahead of political ambition.

Like Lincoln, Alben Barkley was born in a log cabin, literally, on his father's tobacco farm in Graves County, KY, in 1877. The Barkley family was not a family of means, and Alben grew up chopping wood, harvesting tobacco, and plowing fields. Swapping stories with his father's hired hands, Alben began to develop his fun-loving, storytelling persona.

When he got older, Alben worked odd jobs to make ends meet. One time at a shoe store, a man with exceptionally large feet walked in and said to Alben, “I'd like to see a pair of shoes that would fit me.” The sharp-witted tobacco farmer's son retorted, “So would I!” Alben had to change jobs quite often.

Becoming a lawyer in Paducah, Barkley's political career began with a race for county attorney in McCracken County. The history books tell us he bought a one-eyed horse named Dick and stumped the whole county riding that horse.

At 27 years old, he toppled the incumbent in the Democratic primary and easily won the general election in 1905, for Kentucky in those days was very much a one-party State.

Barkley then won election as McCracken County judge before going to the U.S. House of Representatives in 1912. Kentucky voters re-elected Barkley, an avid progressive and devotee of President Woodrow Wilson, six times until sending him to this Chamber in 1926.

Barkley's long shadow over history was fixed here in the Senate, where he served from 1927 to 1949, and then after his Vice Presidency again from 1955 until his death in 1956.

Here in the Senate, Barkley became known as a first-rate speechmaker and

storyteller. Many can recall Senator Barkley's saying: “A good story is like fine Kentucky bourbon . . . it improves with age and, if you don't use it too much, it will never hurt anyone.”

By 1933, Barkley was selected as an assistant to Senate Majority Leader Joe Robinson of Arkansas. In 1937, Robinson died, clearing the way for Barkley's election as leader—but the manner of Barkley's election to the top spot would serve today as an object lesson to Senators of how not to get the job, and it hampered Barkley's effectiveness as leader for several years thereafter.

When the 75th Congress began, the Democrats held a whopping 76 seats in the Senate, leaving only 16 Republicans and four Independents. Their majority was so large that freshmen Democrats had desks over here on the Republican side of the Chamber in the back.

Senators in those days referred to the lone outpost of Democrats over here on the Republican side in the back as the “Cherokee Strip” because those unlucky Members were off the reservation.

But the Democratic Party was badly split in two. Half the caucus supported Franklin Roosevelt's New Deal policies, and the other half frequently undermined them.

In the leader's race, the first group lined up behind Barkley, and the latter behind Senator Pat Harrison of Mississippi. Each Senator had pledges of support from enough Senators to win, so they thought.

Usually in the Senate, it is the Vice President who breaks ties. But this close vote was broken by the President himself. The day after Robinson's death, Roosevelt sent Barkley a letter that began, “My Dear Alben.” Roosevelt even referred to Barkley, correctly, but cheekily, as the “acting majority leader.”

Now, Roosevelt preferred Barkley over Harrison because he knew he could count on Barkley to shepherd his New Deal policies through the upper Chamber. Besides his public letter, FDR also dispatched aides to exert pressure on Senators to vote for Barkley.

One week after Robinson's death, all 75 Senate Democrats met to vote—75. With 74 votes tallied, Barkley and Harrison stood tied at 37 votes apiece. The 75th and final vote put Barkley over the top. Senator Barkley had won the election, but he had lost a much more important race with his colleagues.

As the Presiding Officer and all of my friends in the Chamber know, the Senate has the sole power to choose its own leaders and chart its own course of affairs, without interference from the executive branch. And every Senator guards that right very seriously.

Many Senators took offense at the President's influence in Senator Barkley's election, and Barkley, frankly, paid the price. His colleagues granted him the title of majority leader, but not the accompanying authority or respect.

On his first day in the top post, Democratic Senators ignored his plea not to override a Presidential veto, putting Barkley on the losing side of a 71 to 19 vote. The bill had originally been sponsored by Barkley himself, putting the leader in the humiliating position of losing a vote to sustain a veto of his own bill.

Over the next few years, Barkley's troubles mounted, actually, as he kept finding himself on the losing end of votes. Senators cruelly reminded him of how he had climbed to the top spot by mockingly referring to him as “Dear Alben.”

Even worse, Washington journalists, seeing the leader unable to move his colleagues, dubbed him “Bumbling Barkley,” and the name stuck.

In March 1939, Life magazine published a poll of Washington journalists rating the 10 “most able” Senators. Barkley's one-time rival Pat Harrison ranked fifth. The Senate majority leader did not make the list.

Despite setbacks, Senator Barkley plunged ahead to lead the Senate and to champion President Roosevelt's New Deal. His colleagues began to melt under his considerable personal charm.

In contrast with Robinson's heavy-handed leadership style, Barkley often sat down with a colleague, disarmed him with humor or a funny story, and then made his case.

Barkley led from the podium at his desk, speaking persuasively and knowledgeably on any and every bill. By 1940, much of official Washington realized that legislation was actually moving faster and more successfully through the Senate—and that Barkley deserved the credit.

Barkley was crucial at negotiating compromise with his fellow Senators. As the war in Europe heated up and international affairs took up more of the Senate's time, Barkley's record of success continued to mount.

Historians note the vital role he played in passing the Lend-Lease Act, repealing the Arms Embargo Act and the Neutrality Act, and enacting the first peacetime military draft.

As the Senate majority leader, Barkley eagerly embraced the responsibility to lead the charge for the administration's legislation. But sometimes—sometimes—the President took the loyal leader for granted.

That ended when Senator Barkley dramatically broke with his beloved President on a matter of principle.

Barkley's move may have angered Roosevelt, but by stepping out of the President's shadow and throwing off the impression of servility that the mocking phrase “Dear Alben” implied, Barkley forever earned the respect and trust of his Senate colleagues.

The principle Barkley made his stand on is one dear to my heart; and that is, keeping taxes low. By February 1944, America was at war with the Axis Powers, and President Roosevelt wanted to raise taxes considerably to pay for it. He requested a tax increase of \$10.5 billion, which was, apparently, a lot of money in those days.

Majority Leader Barkley knew that the Senate didn't have nearly the appetite for higher taxes that the President did. A \$10.5 billion tax hike simply could not pass.

But Barkley did the best he could for his President, and successfully steered through the Finance Committee and onto the floor a bill to raise revenues by \$2.2 billion.

Barkley pleaded with Roosevelt to accept the bill as the best he could get and to sign it. He knew the Senate, and he knew his Senators. But the President dismissed the leader's advice.

Even though he knew it was coming, Roosevelt's veto message stung Barkley. It was petty, and it was personal.

The President wrote that, having asked the Congress for a loaf of bread, the final bill was "a small piece of crust." Then his next words struck hardest of all. He declared the final bill as "not a tax bill but a tax-relief bill, providing relief not for the needy, but for the greedy."

After years of devotion and support to the President—often at the cost of the respect of his own colleagues—this insult to his integrity as a legislator, a leader, and a disciple of the New Deal was too much for Barkley.

Overwhelmed with passion, Barkley dictated a speech to his secretary and walked out to the Senate floor. Word had leaked of what was coming. Journalists packed the galleries, and many Senators took their seats to listen to their leader.

For the first time Senator Barkley, Washington's most famous raconteur, seemed to nervously stumble over his words. His voice cracked with emotion as he related his history of steadfast support for the Roosevelt administration.

I dare say that during the past seven years of my tenure as majority leader, I have carried that flag over rougher terrain than was ever traversed by any previous majority leader.

Barkley explained.

But . . . there is something more precious to me than any honor that can be conferred upon me by the Senate of the United States, or by the people of Kentucky . . .

Or by the president of this Republic. And that is the approval of my own conscience and my own self-respect.

And with that Alben Barkley resigned as majority leader.

Barkley had always believed the leader must have overwhelming support for the President's position. Unable to give that, stepping down was his only choice.

Nearly every Senator in the chamber rose for a thunderous ovation. The galleries stood as one to applaud as well. Longtime Senators said they could not remember the last time a speech received such a tremendous response, and Vice President Henry Wallace called it "the most dramatic occasion in the U.S. Senate over which I ever presided."

Within a day of Barkley's declaration of independence, he received over 7,000

telegrams. Roosevelt saw when he was beaten and wrote a letter urging Barkley not to resign. But he needn't have bothered.

The next day, the Democrats unanimously reelected Barkley to the leader's post. "Make way for liberty!" shouted Texas Senator Tom Connally, expressing the joy of his colleagues that their leader, and by extension, the entire Senate, had stood up for the Senate's independence as a co-equal branch.

The Senate turned back Roosevelt's veto 72 to 14, and this time Alben Barkley led his colleagues to win that vote. Senator Elbert Thomas of Utah summed up the newfound power and prestige of the majority leader.

"By his one-vote margin in the 1937 contest when he was first elected leader, the impression was given, and it has been the impression ever since, that he spoke to us for the president," Thomas said. "Now he speaks for us to the president."

The majority leader and the President mended the breach soon after and continued to work together. But you could say their relationship was never again the same.

That summer, the Democratic National Convention nominated President Roosevelt to an unprecedented fourth term. But with Vice President Wallace deemed too liberal by most of the party and dumped from the ticket, the President needed a new running mate. Could it be Barkley?

As the convention opened, Barkley emerged as a seeming front-runner. He had the respect and confidence of the delegates. The Kentucky delegation—not surprisingly—formally endorsed him.

But ever since breaking with Roosevelt in February, the President had had "a certain intangible reserve" towards the majority leader. Roosevelt emphatically told his supporters Barkley was unacceptable as a running mate.

Of course, we all know that the 1944 vice presidential nomination eventually fell to another Senator, Harry Truman of Missouri, who was hand-picked by the President himself.

And we all know that in April 1945, less than 3 months after taking the oath of office for his fourth term, Franklin Delano Roosevelt died. His health had been failing for some time, even back during the 1944 convention.

Harry Truman became the 33rd President of the United States. Alben Barkley stayed on as Senate majority leader and narrowly missed becoming the first President from Kentucky since Abraham Lincoln.

Henry Clay, who once held Alben Barkley's Senate seat, said "I would rather be right than be President." Alben Barkley lived by that motto.

He chose to stand for his personal sense of honor and the integrity of the Senate, knowing it could cost him the favor of the President and possibly the Vice-Presidential nomination. It did. But Alben Barkley never regretted it.

In fact, Barkley kept his keen sense of humor. In a speech to newly elected Senators in 1945, Barkley warned them to run "for the tall and uncut" if they ever received a letter from the President that began with "Dear" followed by their first name.

Like so many other revered figures who have occupied these chairs, Alben Barkley loved the Senate, and he fought to protect it. As the Senate majority leader, that was his duty, and he fulfilled it without hesitation.

After 4 years as Vice President to Truman, Barkley retired from politics, seemingly forever. But he longed to return to this Chamber which had seen his greatest successes and his most ignoble defeats. So he ran for and won reelection in 1954, ousting Republican John Sherman Cooper.

Alben Barkley died on April 30, 1956. He left this world doing what he loved—giving a speech.

In his final moments, he explained to a crowd of students at a mock convention at Washington and Lee University that as a newly elected Senator, he had refused a seat in the front row of this Chamber, despite his decades of service.

"I am glad to sit in the back row," the 78-year-old Barkley said. "For I would rather be a servant in the house of the Lord than to sit in the seats of the mighty."

Those were Senator Barkley's last words before he collapsed. The crowd's applause was the last thing he would hear, before suffering a massive heart attack.

I wanted to share the story of Alben Barkley with my colleagues because I know that as we all debate the issues of the day in the Senate, we are mindful not just of what is happening in our country today, but what has gone before. History, and men like Alben Barkley, has much to teach us.

Politics in America today can often be a bruising exercise. But I take comfort in Alben Barkley's reminder that even if that is true, we can and should put principle over the pursuit of power.

We've just had a hard-fought election. I for one, have always enjoyed a good political contest.

I appreciate the opportunity to present a set of principles and ideals to the people and to hear their choice when they cast their votes.

But while we spar in the arena of ideas, let's not forget what we're sparing for. The goal is not just to win, but to win because you stand for a cause that will better your countrymen and your country.

Many of my colleagues on both sides of the aisle understand that lesson well. It is an honor for me to share this floor with them.

I am looking forward to continuing the contest in the time ahead. For now, we are ready to roll up our sleeves and get back to work on behalf of the American people.

I yield the floor.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until 11 a.m., with the first half of the time under the control of the minority, and the second half of the time under the control of the majority.

The Senator from Iowa.

## MEDICARE DRUG BENEFIT

Mr. GRASSLEY. Mr. President, I welcome the new Presiding Officer to the Senate. I look forward to working with him as a new Senator. I hope he enjoys his time in the Senate.

I am back here again today, as I was yesterday, to talk about the Medicare drug benefit. Yesterday I spoke about how the benefit uses prescription drug plans and competition—with emphasis upon competition—to keep costs down for our senior citizens. I spoke about how well that system of competition that is in the prescription drug bill has been working for the last 2 years of its operation. Today I want to get to the crux of this debate and a debate that is going to take place a few days from now in this Chamber, the so-called prohibition on Government negotiation with drugmakers.

Opponents of the Medicare drug benefit have misrepresented what we call the “noninterference clause” language. That language doesn’t prohibit Medicare from negotiation with drugmakers. It prohibits the Government from interfering in negotiations that are actually taking place.

Much of this debate hinges on a convenient lapse of memory that I am going to emphasize during my remarks about the history of the noninterference clause. So today I want to take my colleagues on a little trip down memory lane. For our first stop on memory lane, I would like to read something. This is a quote from someone talking about their very own Medicare drug benefit proposal:

Under this proposal, Medicare would not set prices of drugs. Prices would be determined through negotiations between private benefit administrators and drug manufacturers.

The person who said this clearly wanted private negotiation with drug companies for a Medicare benefit, not Government negotiations. The person I quoted was proposing—and I will quote again what he said—“negotiations between private benefit administrators and drug manufacturers.” I don’t think that person could be more clear in what he was attempting to accomplish with his proposal.

You are going to be shocked to hear who said this. The quote is from none

other than President Clinton. President Clinton made that comment as part of his June 1999 plan for strengthening and modernizing Medicare for the 21st century. President Clinton went on to say that under his plan “prices would be determined through negotiations between the private benefit administrators and drug manufacturers.”

I quote further:

The competitive bidding process would be used to yield the best possible drug prices and coverage, just as it is used by large private employers and by the Federal Employees Health Benefits Plan today.

President Clinton also described his plan as using private negotiators as opposed to Government negotiators, because “these organizations have experienced managing drug utilization and have developed numerous tools of cost containment and utilization management.”

Does this ring any bells? It should because it is the same framework used in today’s Part D Medicare prescription drug benefit, private negotiations with drug companies, and it is based on the nearly 50-year history of the Federal Employees Health Benefits Program.

I would like to refer to another part of Medicare history for memory’s sake as well. This is another interesting spot on memory lane for history buffs. The Clinton plan had a coverage gap that we refer to in the Senate as the doughnut hole, just like the bill eventually signed into law in 2003.

Like many others, the brandnew Speaker of the House has questioned why one would pay premiums at a point in time when you are not receiving benefits, as is the case with the doughnut hole. Well, that is how insurance works. We all know how the insurance industry works. Go look at your homeowner and auto policies and Part B Medicare. You pay premiums to have coverage. That is how President Clinton’s plan was meant to work, if it had become law.

In Sunday’s Washington Post, the new Speaker of the other body, PELOSI, was quoted about having a doughnut hole. She said:

How could that be a good idea, unless you are writing a bill for the HMOs and pharmaceutical companies and not for America’s seniors?

Was she referring to President Clinton’s plan proposed in 1999? As I said, he proposed his plan in June of that year. On April 4, 2000, S. 2342 was introduced in the Senate. S. 2342 would have created a drug benefit administered through private benefit managers. So here again would be private negotiators negotiating with the drug companies to save seniors money on their prescription drugs. Does that sound familiar? It is just like today’s Medicare Program that is law.

Here is another important stop down our memory lane. That bill, S. 2342, introduced in 2000, included language on noninterference:

Nothing in this section or in this part shall be construed as authorizing the secretary to

authorize a particular formulary, or to institute a price structure for benefits, or to otherwise interfere with the competitive nature of providing a prescription drug benefit through benefit managers.

This is the first bill—the very first one—where the noninterference clause appeared. This is the first prohibition in present law on Government negotiation that was introduced. But S. 2342 wasn’t introduced by a Republican; it was introduced by my esteemed colleague, the late Senator Moynihan. One month later, there was a bill, S. 2541, introduced. I will read some of the language that was in that bill. That bill said this; I have it on the chart:

The secretary may not (1) require a particular formulary, institute a price structure for benefits; (2) interfere in any way with negotiations between private entities and drug manufacturers, and wholesalers; or (3) otherwise interfere with the competitive nature of providing a prescription drug benefit through private entities.

I will make it clear that this wasn’t a Republican bill, either. It was introduced, as you can see, at that time by Senator Daschle, who was joined by 33 other Democrats, including 3 who are still prominent in the Senate—REID, DURBIN, and KENNEDY. That is right. I want you all to know that 33 Senate Democrats cosponsored a bill with a noninterference clause in it. You see, it turns out that the Democrats didn’t want the Government—nor did President Clinton—interfering in the private sector negotiations either. They recognized then that the private sector would do a better job, and they didn’t want some Government bureaucrat messing it up.

I will go to another chart. In June 2000, two Democratic bills were introduced in the House of Representatives that also included noninterference language. H.R. 4770 was introduced by then-Democratic leader Dick Gephardt. That bill had more than 100 Democrats cosponsoring, including the new Speaker of the House—then not speaker—NANCY PELOSI, and Representatives RANGEL, DINGELL, and STARK. RANGEL, DINGELL, and STARK are people whom I have worked closely with in Congress recently on a lot of health legislation or tax legislation—or trade legislation, in the case of Congressman RANGEL.

The prohibition on Government negotiation included in that House bill was almost identical to the language Senator Daschle had in his bill. Here is the text of the actual noninterference clause included in the bill signed by the President in 2003, present law—what we refer to as Part D now:

Noninterference.—in order to promote competition under this part and in carrying out this part, the secretary (1) may not interfere with the negotiations between drug manufacturers and pharmacies and PDP sponsors; and (2) may not require a particular formulary or institute a price structure for reimbursement of covered part D drugs.

Well, that sounds a bit like what was sponsored by Democrats over the last several years. Last week, the senior

Senator from Illinois described the 2003 Medicare bill—and this was in a speech on the floor—as being written by the pharmaceutical industry. But the non-interference clause first appeared in legislation introduced by Democrats who now oppose the same provision that is in present law.

Now, the opponents of the Medicare drug benefit always say that the non-interference clause is proof the present law was written by the drug industry. My question, Mr. President, is this: If that is what they want to think, then did the same pharmaceutical industry write these bills that the Democrats introduced in 2000, 2001, and 2002?

I bet you are wondering how many Democratic bills had the now infamous noninterference clause in it—that is, the prohibition on Government negotiation. Well, here is the whole timeline. As you can see from chart 4, that prohibition on the Government negotiating, the noninterference clause, has been in seven bills by Democrats between 1999 and 2003, including a bill introduced in the House on the same day, H.R. 1, which eventually became the bill the President signed. There were seven. Here they are. The first is the Moynihan bill, April 2000; Daschle-Reid bill, May 2000; Eshoo bill, June 2000; Gephardt-Pelosi-Rangel-Stark-Dingell-Stabenow—when she was in the House and is now a Senator—introduced June 2000. STARK had it in a motion to recommit in June 2000. Senator WYDEN from Oregon introduced it as part of S. 1185 in July 2001. THOMPSON of California had it in a House bill in June of 2003.

It seems to me that on the other side of the aisle there ought to be some consideration of where did Republicans get this idea. I hate to steal ideas from Democrats, but if they work, they work. I spoke yesterday about how this provision—or the present way of doing it. The Federal Health Employee Benefit Program has been doing it for 50 years, and it has been saving senior citizens lots of money, not just on the price of prescription drugs but prescription drugs and premiums and a lot of other things—not only saving senior citizens money out of their own pockets but saving the taxpayers with a new judgment on what the cost of the drug program is going to be that was projected back when it was signed by the President. It is \$189 billion less than the Congressional Budget Office, the CMS, and the OMB said it would cost.

Now, I know what the response will be. It will be that even though Democratic bills had nearly the exact same prohibition on Government negotiation—practically word for word in seven bills over a long period of time—opponents now think the approach is no longer the best for Medicare. That's sort of like “we supported it before we opposed it.” Beneficiaries and the public deserve more than that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, it is my understanding we are in morning business.

The ACTING PRESIDENT pro tempore. The Senator is correct.

#### HONORING THE UNIVERSITY OF FLORIDA'S NCAA FOOTBALL CHAMPIONSHIP

Mr. NELSON of Florida. Mr. President, I am here with a big smile on my face, with an orange and blue tie, to recognize the signal accomplishment of the University of Florida Fighting Gators, and not only now with the national championship in football, but in the same season, the 2006 season, to have the unusual achievement of having the national champions in basketball as well as football.

Throughout the season, this team was challenged time after time and was underrated in the press; yet, they had the heart to win and keep fighting. The score of 41 to 14 last night clearly shows who are the national champions.

On behalf of our State of Florida, later today, I will be introducing a resolution commending the University of Florida for being the national champions and urge our colleagues to join in this Senate resolution.

I will only additionally call to the Senate's attention that with my colleague, SHERROD BROWN of Ohio, we engaged in a friendly wager. This is not like the normal wager that years ago, when a Florida team was playing a California team and the junior Senator from California, Senator BOXER, and I entered into a friendly wager of a crate of oranges versus a barrel of California almonds—and our office enjoyed those almonds for several months. No, this was a different kind. This was a wager with Senator BROWN of Ohio that the losing team's Senator would do the number of military pushups equivalent to the score of the game in public in front of the cameras. So with a score of 41 to 14, that is 55 pushups. I will even extend the olive branch to Senator BROWN that if he doesn't want to do all of them, I will do part of them with him. But it is a great day for college football, and it is certainly a great day for the State of Florida and for the University of Florida.

#### STAR PRINT—S. 21

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that S. 21 be star printed with the changes that are at the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### IMPACT OF THE WAR IN IRAQ

Mr. DORGAN. Mr. President, this morning and in the days leading up to today, we have seen and heard a great deal of discussion, particularly by the media, describing the issue of the President's speech tomorrow evening and all of the discussion in the political system as a political tug of war about Iraq. It is not that. This is not a political tug of war. It is a serious moment for this country to try to evaluate what to do about something that overlays almost everything else we are considering these days; that is, the current war in Iraq. What do we do about what is happening there? It is about the lives of our soldiers. It is about our country's future. It is about how to make change in Iraq, how to create the kind of change that will give us the opportunity to do the right thing.

I intend to listen carefully to what the President says in his speech to the nation tomorrow night. I am not going to prejudge what he says, but let me suggest what I think the President has to answer for us, for me, for the American people.

There is considerable discussion about the fact that the President will likely call for a surge or an increase in American troops going to Iraq. There is also discussion that perhaps he will call for additional funds that would be sent to Iraq for reconstruction or other things Americans would contribute.

One point the President will have to explain is the testimony that was given less than 2 months ago before the Senate by General Abizaid, the top military commander in Iraq. I am talking about the top military commander of American troops in Iraq. Here is what General Abizaid said in November, less than 2 months ago. He said:

I met with every divisional commander, General Casey, the corps commander, General Dempsey. We all talked together. And I said, “In your professional opinion, if we were to bring in more American troops now, does that add considerably to our ability to achieve success in Iraq?” And they all said no. The reason is because we want the Iraqis to do more. It is easy for the Iraqis to rely upon us to do this work. I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future.

This is testimony before a congressional committee of the top U.S. military commander in Iraq saying he has asked all of his top commanders, if we were to bring in more American troops now, does it add considerably to our



ability to achieve success in Iraq. He said:

They all said no.

That is something I believe has to be reconciled. Has that changed? Has something changed in 2 months?

With respect to the amount of money that is sent to the country of Iraq, I observe this: This country has spent hundreds of billions of dollars on the Iraq war. Between Iraq and Afghanistan, we are now approaching \$400 billion. We appropriated separately roughly a \$20 billion pot of money for reconstruction in Iraq. That is in addition to the reconstruction which has been done by American soldiers. That \$20-plus billion was pushed out the door—a massive amount of money—in a short time.

I held a good number of hearings as chairman of the Democratic Policy Committee on that issue: contracting in Iraq. I think it is the most significant amount of waste, fraud, and abuse this country has ever seen. Let me show one poster that describes a part of it, which was shown at our hearing and we discussed this:

A \$243 million program led by the United States Army Corps of Engineers to build 150 health care clinics in Iraq has, in some cases, produced little more than empty shells of crumbling concrete and shattered bricks cemented together into uneven walls.

A company called the Parsons Corporation got this money. They were to rehabilitate, I believe, 142 health clinics in the country of Iraq. Twenty were done, and the rest didn't happen at all. The money was spent. All the money is gone. The American taxpayers found that all their money was gone, but the fact is that the health clinics were not rehabilitated.

There was a doctor, a physician from Iraq, who testified. He said: I went to the Health Minister of the new Government of Iraq. I said: I want to see these health clinics that were supposed to have been rehabilitated for which some \$200 million was appropriated by the U.S. taxpayers, by the U.S. Government. I want to see these health clinics.

He said the Health Minister of the new Government of Iraq said: You don't understand, they don't exist. They are imaginary clinics.

Well, our money is gone. This is an example of the waste, fraud, and abuse in contracting.

The Halliburton corporation, Custer Battles corporation—it is unbelievable—the stories. This photo shows some American officials with \$100 bills wrapped in Saran Wrap the size of a big brick. This fellow testified at a hearing I held, this man in the white shirt. He said: Look, we told contractors in Iraq: Bring a bag, we pay cash. He said it was like the Wild West: Bring a sack, we pay cash.

This \$2 million in \$100 dollar bills wrapped in Saran Wrap actually went to Custer Battles corporation. Custer Battles corporation got over \$100 million in contracts. Among other things, it is alleged they took forklift trucks

from the Baghdad Airport, took them over to a warehouse, repainted them, and then sold them to the Coalition Provisional Authority, which was us. It is a criminal action at this point.

My point is this: Whatever we do in Iraq, I want to be effective. We owe it to the troops, we owe it to the men and women who wear America's uniform.

At this point, we have America's troops in the middle of a civil war. Yes, most of this is sectarian violence. We see the reports. January 7: 30 dead in Baghdad, bodies hang from lampposts. The Government said Saturday that 72 bodies were recovered around the city, most showing signs of torture. We see these day after day after day. Our heart breaks for the innocent victims of this war. The question for us now is, Should American troops be in the middle of that civil war? Should we send additional troops to that circumstance? If so, for what purpose? And if so, why do we do it less than 2 months after General Abizaid said the commanders do not believe additional troops will be effective?

We have done what is called a surge in Baghdad starting last July. I believe it was somewhere around 15,000 additional troops were sent to Baghdad. The fact is, the violence increased, more soldiers died.

I am going to listen to President Bush's speech. This ought not and I hope will not and should not be political. It is about all of us, Republicans and Democrats, the President and the Congress working together to find a way for the right solution for this country to support our soldiers, make the right judgments for them, make the right judgments for our country's long-term interests.

Yes, we have a fight against terrorism that we must wage, and we must do it aggressively, but most of what is going on in Iraq at this point is sectarian violence, and it is, in fact, a civil war. The question is, What do we do now?

It seems to me that if we are going to keep American troops in Iraq for any length of time, we ought to consider partitioning so at least we separate the combatants and the sectarian violence. It only seems to me, in a civil war, that works. But I will listen intently tomorrow with my colleagues to hear what the President's new plan is. I hope we can work together in a way that begins to do what is in the best interest of this country. I am very skeptical about this issue of deciding that we are going to surge additional troops into Iraq, even as the top military commanders in Iraq say that should not be done.

I mentioned Iraq first because it overwhelms most of the other agenda here, but there are so many other issues with which we must deal. Let's deal with Iraq and get that right, support our troops, do what is necessary, do what is best for our country. Let's work together, Republicans and Democrats, let's work together, the Presi-

dent and the Congress, and find the right solution and do what is right for our future. Then let's turn to other issues.

How about energy? It is interesting, we are held hostage by foreign oil. Over 60 percent of the oil that runs the American economy comes from off our shores. When we talk about energy independence, we need energy independence, and I support fossil fuels. We are going to use oil, coal, and natural gas. We always have and we always will, and I support that. But let me say this: In 1916, this Congress put in place tax incentives for the production of oil, long-term, robust, permanent tax incentives to incentivize the additional production of oil.

Think how different it is with what we have done with renewable energy. We decided about 20 years ago to give some tax incentives to incentivize renewable energy development, but they were temporary, short term. The production tax credit for the production of wind and other renewable energy has been extended five times because it has been short term. It has been allowed to expire three times. That is not a commitment to this country. This is not a commitment to renewable energy. This is not a commitment to energy independence. The fact is, we are just babystepping our way along in all these areas. We didn't do that with oil. We made a robust, long-term commitment in 1916, and it remains today, that said: Let's produce. How about doing the same thing for renewable energy? Yes, the biofuels, but also wind energy and hydrogen fuel cells and all the other ways that can make us more secure from an energy standpoint. Let's stop babystepping. Let's have a 10-year plan. We cannot do this with a 1-year plan or a 2-year plan. We need to deal with that issue.

We need to deal with the issue of health care costs. I wanted to, but I don't have the time this morning, to respond to my colleague from Iowa who twice has come to the floor to talk about why our Government shouldn't be allowed to negotiate drug prices in the Medicare Program. It is preposterous that we have a provision in law that prevents the Federal Government from negotiating lower drug prices, especially because our consumers in this country pay the highest prices for prescription drugs in the world, and that is unfair. I relish that debate, and I wait for that debate.

Jobs and trade—the fact is, we have lots of issues we need to sink our teeth into. I am going to come back and speak about many of these issues at great length. First, we have to deal with this situation in Iraq. That is very important. That is about the lives of men and women who wear America's uniform. But it is more than that as well. It is about what we are doing around the world. It is about, yes, our lives and our treasure, and we need to get that right.

I mentioned when I started that I think the press, if one listens to all the

programs, tend to portray this as a political tug of war. It is deadly serious, much more serious than a political tug of war. It is about trying to get this right for our country's future.

I hope that in the coming several weeks, we can come to a conclusion about this very important issue—yes, the war in Iraq, the larger war on terrorism, deal with some of these issues, such as homeland security—and then move on to begin to address the issues I just talked about as well; that is, the issue of energy security, health care costs, jobs, trade, and a series of issues that are important for this country's future.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I be given 10 minutes to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, this morning I rise to discuss the terrible situation we see in Iraq. While home in New Jersey over these last few days, I was often approached by constituents on the street and there was one topic that would come into the conversation almost immediately, when people said: Senator, when are we going to get our troops out of the crossfire in Iraq?

It is a great question, but the answer is certainly not clear.

Our constituents back home understand that President Bush has totally mishandled the diplomatic and strategic parts of the Iraq mission and our troops are the ones who are caught in the middle—caught in the middle of an ethnic civil war between Sunnis and Shiites. From my home State of New Jersey, we have already lost 74 people in Iraq; nationwide the total is quite clear—over 3,000 have lost their lives, and there are over 23,000 wounded with injuries that could disable them for the rest of their lives.

To make matters worse, a disproportionate amount of the burden of this conflict has fallen to Guard and Reserve troops. In fact, in early 2005, the National Guard and the Reserves made up nearly half of the fighting force in Iraq, people who were to be called up when emergencies arose. The Reserves were not there primarily to be a replacement for long-term combat duty. This administration decided early on that their agenda for the military was to shrink the size of our Active Forces. We all heard that. "We will get it down to being lean and mean, and increase reliance on contractors for support." If it were not so tragic, it would be a joke.

Now we see, in practice, the Bush long-term military plan has been a disaster. We do not have enough active troops. We are relying way too much on the Guard and Reserve. And contractors such as Halliburton have been wasting taxpayer dollars right and left.

The proof of this waste was a fine, levied against Halliburton, of \$60 million at one time for overcharges for the care and feeding of our troops. We continue to hear of irresponsible behavior of contractors serving our needs in Iraq. Mismanagement of all forms has been a hallmark of Defense Department supervision.

At every turn, this President has made terrible judgments. Tomorrow we are going to hear another decision by President Bush. Why should the American people trust him to understand what he is getting us into? We heard the President say, "Bring 'em on," one of the most disingenuous statements ever made by a President. I served in Europe during World War II, and I can tell you that we never wanted to hear a Commander in Chief taunting the enemy from the comforts of the White House. Asking more of the enemy to show their faces? We didn't want to see them at all.

We saw the President's foolish display of bravado on the Aircraft Carrier *Abraham Lincoln* when he declared, "Mission accomplished." What a careless statement the President of the United States made that day, over 3½ years ago. Mission accomplished? That meant the job was finished, as far as most people were concerned. But it was not through.

While the President was performing in 2003, leaders were warning of a military crisis. General Shinseki, Army Chief of Staff, told a Senate Armed Services Committee that we would need to keep a large force in Iraq even after a war to curb ethnic tensions and provide humanitarian aid. General Shinseki, distinguished military leader, said we needed several hundred thousand troops there. His assessment was harshly dismissed quickly by the President and by Secretary Rumsfeld. The General's reality-based opinion got in the way of their ideologically based mission of a smaller Active-Duty Force.

In the aftermath of the initial invasion, President Bush has made the wrong move almost every time. Now we have walked so deep into the swamp in Iraq that just adding more guns is not going to work. This so-called surge is another bad idea—slogans, such as "cut and run" have to be matched against the reality of "stay and die."

President Bush likes to say: I do what the generals tell me to. But now we know that is not the case. The generals have been extremely candid about their view of the surge idea. They think it is wrong. Now we are hearing that the President intends to give another \$1 billion to Iraqi reconstruction projects. We want to fund every cent that our troops need for their safety, for their return, for their health care, for their well-being, but sending more money down the rat hole is not going to do it. It is being diverted from programs at home, such as education, stem cell research, health care for all our people, to name a few, and the tax-

payers of New Jersey do not want their money used to build another civilian project in Iraq that is going to get blown up the next day. Before we look to spend more money on civil projects in Iraq, let's get the diplomatic situation straightened out.

The American people want to see us leave Iraq with some hope for stability in our absence. That will require President Bush to use all of the diplomatic tools at his disposal to force a dramatic change of course for the Iraqi Government. The current Government in Iraq has to take real steps to disarm the Shiite militias and show the Sunnis that they will actually be empowered in the Iraqi Government. If we do not do that, we could send a million troops to Iraq tomorrow, but it would not make a difference. If the Sunnis feel the Iraqi Government has nothing to offer and Prime Minister al-Maliki doesn't stop the Shiite militias, the bloodbath will continue.

I hope the leaks about the President's plan are wrong and that he will announce tomorrow a better course, a course that will allow us to exit Iraq but with real hope of a more stable society left behind.

I conclude that with the history of planning for this war and the statements coming from the White House and the leadership of the Defense Department I ask: How can we trust their judgment with a new plan to put more people in harm's way without some idea of when this will end? It is not a good idea and we ought to get a better explanation from the President and the Defense Department as to what might the outcome be if their plan succeeds.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

Mr. BYRD. Mr. President, the Oxford English Dictionary defines the word "surge"—s-u-r-g-e—as "a sudden large temporary increase." Note in particular the word "temporary." President Bush's rumored new strategy on Iraq—a surge of U.S. troops intended to quell the violence in Baghdad—is both wrongheaded and headed for failure.

As outlined, the surge envisions clearing all violent factions out of Baghdad in an effort which is to be led by Iraqi security forces. Apparently, U.S. forces will provide indiscriminate firepower in another attempt to establish democracy by brute force. This does not seem to me to be the way to win hearts and minds in Iraq.

I oppose any surge in Iraq. Only days ago, just days ago, we passed the grim milestone of 3,000 American dead in Iraq. There are few firm numbers on Iraqi lives lost, but estimates are in the tens of thousands. I am reminded of one definition of "insanity": making the same mistake over and over while continuing to expect a different result. We have surged before. Still the violence in Iraq worsens.

We are close to the beginning of the fifth year—the fifth year—of a war which should never have been started by an administration that fed the Congress and the public false information. This is an administration which has learned nothing—nothing, zilch—nothing more about the country of Iraq than it knew before it launched an unprovoked U.S. attack.

Our stated purpose for continuing to occupy Iraq is to help the Iraqi people build a stable democracy. But the difficulty of that task should have been clear before we invaded. It was clear to me. Iraq is a country that was only held together by a brutal strongman, Saddam Hussein. And without the strongman to force cohesion, it is a country with deep ethnic and religious divisions and no central loyalties. There is no tradition of constitutions or equal rights, no unifying common beliefs about individual freedoms or governing with the consent of the governed—none of that commonality of thought that reinforces governing principles in the society at large.

The al-Maliki Government would never survive on its own outside the Green Zone in Baghdad, and indeed the point of a surge is to secure only the capital. But what then? After accelerating the violence, even if we are able to lock down Baghdad, what will transpire to keep the insurgency from regrouping elsewhere, possibly fed by Iran or by Syria? How will we then establish the legitimacy of a shaky Iraqi Government?

In my view, we may be about to make a critical mistake by moving in exactly the wrong direction in Iraq. Instead of a surge, we ought to be looking at a way to begin orderly troop reduction. The folly of the surge idea is apparent. The insurrection in Iraq is a civil war. The conflict is among warring factions battling for some measure of control over the others. U.S. involvement on one side simply further energizes all the other sides. This surge will only energize them, further provoking a likely countersurge of violence. If it is a true surge—in other words, temporary—the insurrection factions will only work harder to maim and kill our troops and claim victory if we reduce forces. So, in fact, there will probably be no surge but, rather, a permanent escalation of the U.S. presence, which is simply being sold to the American public as a surge. Once again, we get obfuscation and spin from a White House that seems incapable of careful thought and analysis.

Any plan to increase troops in President Bush's new strategy is simply a plan to intensify violence, put more American troops in harm's way, risk the lives of more innocent Iraqis, engender more hatred of U.S. forces, and embroil U.S. forces deeper in a civil war.

I would like to see a clear defining—a clear defining—of our immediate challenges in Iraq; a realistic discussion about short-term achievable goals;

an admission that we cannot remain in Iraq for much longer because the American public will not tolerate it; and benchmarks for beginning an orderly withdrawal conditioned on actions by the Iraqi Government.

So, Mr. President, the al-Maliki Government has been duly elected by the people of Iraq. It is time we let them take charge. Let them, Mr. President. Let them take charge. As long as we prop them up and inflame hatred, they will never have the legitimacy they need to make the political decisions that may ultimately save Iraq. In short, it is time to take the training wheels off the bike. Do you know what that means? It is time to take the training wheels off the bike.

Our blundering—and it is nothing less—our blundering has inflamed and destabilized a critical region of the world, and yet we continue to single-mindedly pursue the half-baked goal of forcing democracy on a country which is now embroiled in a civil war. Our blinders keep us from seeing the regional problems which are bubbling and which soon may boil. The real damage to the United States is not only the loss of life and the billions of dollars expended, it is also the diminution of our credibility around the world as a country with the will and the vision to lead effectively.

Serious diplomacy is clearly in order on the matters of Lebanon, the Israel-Palestinian conflict, and on Iran. Multinational talks were part of the Iraq Study Group's recommendations, but diplomacy usually ends up at the bottom of the administration's option list, and that is where it has landed again.

If the "shoot first" crowd in the White House continues to stick its chin out and believe that bullets and bombast will carry the day, soon—very soon—our ability to mediate the morass of difficulties in the Mideast and elsewhere may be permanently damaged. Pariahs do not usually carry much weight at negotiating tables. If the lesson in Iraq teaches anything, it is that military might has very great limitations. But then that is a lesson we should have learned many years ago from Vietnam—many years ago from Vietnam.

#### LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the hour of 11 a.m. having arrived, the Senate will proceed to consideration of S. 1, for debate only, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1) to provide greater transparency in the legislative process.

The PRESIDING OFFICER. Under the previous order, the time until 2:15 p.m. shall be equally divided between the leaders or their designees.

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I have discussed with Senator BENNETT a

proposal for a unanimous consent agreement on a speaking order. I would like quickly to move it as a request for unanimous consent that I be given 15 minutes; Senator BENNETT, as ranking member, 15 minutes; Senator TESTER, 10 minutes; Senator LOTT, if he cares to come down, 10 or 15 minutes which, if it is 15, will balance with 15 on the Democratic side; Senator NELSON, 15; the next open slot for a Republican, 15 minutes; and Senator SALAZAR, 15 minutes.

I ask that at 2:15, for 15 minutes each, the majority leader be recognized, followed by the minority leader if he requests time.

Mr. President, let me vitiate that last part because we would like to have Senators LIEBERMAN and COLLINS recognized at 2:15 for 15 minutes each and then Senators REID and MCCONNELL, if they so desire. That is the unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, it is an honor to take the floor today as the new chairman of the Senate Rules and Administration Committee to help lead the battle for meaningful and credible ethics reform. In the last election, the message was loud and clear: It is time to change the way business is done in the Nation's Capitol. Passage of this ethics reform package is the most direct action we can take to show the American people that tighter rules and procedures are in place and that the corrupt practices of the few will no longer be permitted. Strong criminal sanctions for these practices will henceforth be in place.

Passage of this bill will demonstrate once and for all that we care more about representing the American people than the perks of power.

I am especially pleased to be joined in this effort by my new ranking member, Senator BENNETT, with whom I look to work very closely in this new Congress. I am also pleased that Senator LIEBERMAN, the new chairman of Homeland Security and Governmental Affairs, and Senator COLLINS, the ranking member of that committee, have agreed to join us on the floor as co-managers of this bill.

On March 29, 2006, by a 90-to-8 vote, the Senate passed S. 2349, the Legislative Transparency and Accountability Act, which has now been introduced by the majority and minority leaders as S. 1. This legislation was a combination of separate bills reported by the Rules Committee and the Homeland Security and Governmental Affairs Committee. It came to the floor early last year, at a time when Americans were becoming increasingly concerned about corrupt and criminal practices by a group of lobbyists, administration officials, congressional staff and, yes, even Members of Congress.

Also, various questions were raised about the K Street Project, in which lobbyist firms, trade associations, and other business groups were told they

would encounter a closed door in Congress unless they hired members of the then majority party.

The Senate-passed bill was a strong ethics, earmark and lobbying reform package. Unfortunately, the House voted instead to soften the provisions, lift the limits on party expenditures in general elections, and regulate 527 groups. A stalemate ensued and no conference report was returned. Now, with a new Congress under Democratic leadership, the Senate's first bill, S. 1, is essentially the same text as the Senate-passed S. 2349.

I believe one message that was very clear in the last election was the need for Congress to immediately take steps to restore the public's trust. I would like to briefly outline the major provisions of the base bill and then follow up with some discussion about the improvements that are being considered in a bipartisan leadership substitute.

This is now the base bill. It prohibits gifts and travel paid for by lobbyists. Section 106 bans all gifts and meals from lobbyists. Section 107(a) bans travel paid for by lobbyists or in which lobbyists participate. Section 107(b) requires full disclosure of travel by Members or their staffs on noncommercial airplanes. It closes the revolving door. Section 241 extends the existing lobbying ban for former Members and senior executive branch personnel from 1 to 2 years. That is a consequential change. Sections 108 and 241 toughen the existing lobbying ban for senior staff—those making 75 percent of a Member's salary or more—by prohibiting them from lobbying anyone in the Senate, not just their former boss or committee, as is presently required.

Section 109 requires public disclosure by Members of any negotiations for private sector employment.

Section 105 strips floor privileges from former Members who become registered lobbyists so that no former Senator can come to the Senate floor to lobby.

Section 110 bars immediate family members from lobbying a Member or his or her office, though they could still lobby other offices.

Section 103 requires that a sponsor of an earmark be identified with the additional spending requests in the earmark on all bills, amendments, and conference reports.

Section 104 requires conference reports, including the sponsors of earmarks in these reports, be posted on the Internet at least 48 hours before a vote unless the Senate determines by a majority vote that it is urgent to proceed to the legislation. So there is a hiatus in which names of sponsors will be published on the Internet for at least 48 hours.

Section 102 subjects any out-of-scope matter added by a conference report to a 60-vote point of order. What does "out of scope" mean? It means a matter not approved by either body of the Congress. If you have a matter not approved by either body, and you want to

bring it up in a conference report, you would have to withstand the test of a 60-vote point of order if a Member saw fit to bring that point of order. The Parliamentarian tells me that would not include earmarks added in conference which were not approved by the House or Senate. Members should know that. Earmarks are not included, just out-of-scope issues. We might want to take that into consideration.

As I have said before, I strongly believe such earmarks which have been added without being voted on by the subcommittee, committee, House or Senate, should be subject to a 60-vote point of order. I am interested in working with any colleagues on this matter.

The provision at issue was based on a stand-alone bill I introduced with Senator LOTT last year, but it was changed as it moved forward. Even though it may not include earmarks, it is an important provision which will go a long way toward stopping controversial provisions often added in the dark of night.

Transparency in the Senate: Section 111 makes the K Street project—that is, partisan efforts to influence private sector hiring—a violation of Senate rules.

Section 232 requires ethics training for members of staff.

Section 234 requires the Ethics Committee to issue annual reports on its activity—not to name names but to give the public a better idea about how active the committee has been.

Section 114 of the bill requires Senators to identify holds they place on legislation. This is an important improvement. All too often, important legislation has been blocked by an anonymous hold, and nobody knows who it is. Here, one person can stop a bill that has been dutifully passed out of the committee and passed by the Senate. This measure does not prevent such holds but requires that the Senator doing this file a public report in the CONGRESSIONAL RECORD within 3 days.

My colleagues from the Homeland Security and Government Affairs Committee will have much to say about the lobbyist disclosure provisions because they fall within the jurisdiction of their committee.

Let me go into a few major provisions under discussion that would likely come with a substitute amendment. The first is sporting and entertainment events. The substitute requires the proper and full valuation of tickets to sporting and entertainment events. No more cut-rate tickets to combat the below-market prices being charged Members and staff as a way of getting around the gift ban. It would close the revolving door. The substitute prohibits Members from negotiating for private sector employment that involves lobbying activity while still holding office. Senior staff would have to inform the Ethics Committee if they enter into negotiations for private sector employment.

The substitute will also have a repeal on the current exception to the revolving door lobbying ban for Federal staffers hired by Indian tribes, something my office has worked on with Senator REID.

Now, earmarks. Over the last 12 years, the number of earmarks have tripled to 16,000, worth \$64 billion a year. The process has clearly gotten out of control. An important first step is disclosure. The substitute provides much more vigorous transparency. In the bill approved by the Senate last March, an earmark is defined as "a provision that specifies the identity of a non-Federal entity to receive assistance and the amount of that assistance." The term "assistance" means budget authority, contract authority, loan authority, and other expenditures and tax expenditures or other revenue items.

In the substitute, earmarks will be defined much more broadly to include not only non-Federal entities but any provision that benefits only one non-Federal entity even though the original funding is routed through a Federal agency. This is meant to get at the kind of earmarks notoriously offered by former Representative Cunningham that effectively directed funds to a non-Federal entity but did not directly name the entity.

We will also include targeted tax benefits and targeted tariff benefits in the definition of earmarks.

Another section is a provision sponsored by Senators CONRAD and GREGG, chairman and ranking member of the Committee on the Budget. This amendment requires a Congressional Budget Office score for all conference reports before they are considered by the Senate. In emergencies, this could be waived by 60 votes.

The substitute will express the sense of the Senate on fair and open conference committee procedures. What that means is for the majority party not to exclude the minority party from the conference. We Democrats know what this is like. We would like to end that and have conferences open for the free discussion of Members of both political parties. This is a sensible provision. We should put an end to the practice that existed in this last Congress.

There will also be a ban on dead-of-night additions to conference reports after they have already been signed by Members. I actually couldn't believe this went on, but it does, and we should end it.

There are two important areas on which no agreement has been reached. Our majority leader had proposed broadening gift reform in S. 1 to prohibit gifts not only from lobbyists but also from organizations that employ or retain lobbyists, which makes sense. He had proposed broadening the travel provisions of S. 1 to prohibit travel paid for not only by lobbyists but also by organizations that employ or retain lobbyists and prohibit lobbyists' involvement in that travel. I also think that makes sense.

The minority leadership did not agree on the two proposals, so I now expect to see our majority leader offer an amendment on this separately. I will be pleased to support it.

In conclusion, a USA Today Gallup Poll last month said that only 15 percent of those polled gave our House high marks for honesty. That was down from 25 percent in 2001 when Members got their best score since 1976. When one looks at the scandals that were exposed last year, that is not surprising. The ties between lobbyists and lawmakers must be broken. Yes, the public has a constitutional right to petition Congress, but that right should not be limited to those who seek any special access.

The 2006 election saw the largest congressional shift since 1994. Even with the war on Iraq on voters' minds, polls showed Americans more concerned about ethics in government. The stakes are high. It is imperative we act. We have a vehicle to do so before the Senate. I hope we will.

I yield to the distinguished ranking member.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I thank the chairman of the Rules Committee for her careful and cogent explanation of what is in the bill. I am happy to be an original cosponsor of S. 1. I will be a cosponsor of the substitute that will be provided under her leadership along with Senator REID and Senator MCCONNELL.

I agree with her and with most others that we need to move ahead on this issue. We need to let the American people know we are paying attention to the ethics questions as they relate to lobbying and to our own internal activities.

Her discussion of earmarks has very little to do with the way lobbyists operate but with the way the Congress operates. Lobbyists react to what we do. They are paid to pay attention to what we do and then shift and adjust their activities to match what is going on in the Congress. Many of the problems we have seen arise in the last dozen years have come from changes within Congress, changes in procedures—not formal changes but evolutionary changes—that have come along as Congress has reacted to the pressures we face.

My first experience in this town was as a teenager, as an intern. I suppose there is something wrong with me because I was enough of a political junky that I used to sit in the gallery at night when I could have gone home and listen to the debate in the Senate. I would amuse myself in the daytime by reading the CONGRESSIONAL RECORD. I am not sure how many people would do that today.

In those days, debate in the Senate was real debate. Senators would come to the Senate, go back and forth with each other. Things were different. The way things moved through committees

was different. It was a much more leisurely and orderly process.

I have seen, in the 14 years I have been in the Senate, the process speed up to the point that even the kind of cursory examination we would give to legislation 14 years ago has gone by the boards.

I have been part of the process of creating the omnibus appropriations bill, which is probably the worst possible way to legislate. Yet under the pressures we found ourselves confronted with it was the only way to get appropriations bills completed.

I have watched as the authorizing process has gradually but inexorably broken down as authorizers now come to appropriators and say: We can't get this through our committee for a variety of reasons. Would you add it to the appropriations bill? The appropriations bill is picked because it is the only bill that has to pass. We have to fund the Government.

I remember a Congress when Secretary Babbitt had a vital problem relating to his department and to my State. We talked it through. Then he said: Senator, see if you can get it on the CR, the continuing resolution. There was no opportunity for passage of that particular item. Here is a Cabinet officer, representing President Clinton, talking to a Republican Senator, representing the people of Utah, and the advice is: See if you can put it on the CR.

Obviously, the process of orderly authorization, oversight, examination, and then appropriations which is laid down in our rules has broken down under the pressure. It was in that crucible where people such as Duke Cunningham would step forward and say: We are going to take advantage of this broken process to our own personal advantage.

Now, understand, Duke Cunningham is in jail. Understand, Jack Abramoff, the lobbyist who saw the opportunity of exploiting this breakdown, is in jail. The laws, the rules, the ethics that currently exist, gave rise in this present circumstance to a comment someone made. He said: You folks in the Congress are the only people I know who, when someone breaks the rules, decide the thing to do is to change the rules.

There is some sense that perhaps we are overreacting to the scandals of Abramoff and Cunningham. I do not believe that S. 1 is an overreaction, nor do I believe is the substitute offered by Senators REID and MCCONNELL, of which I and I am assuming the chairman of the committee are original cosponsors. But as the debate goes forward, there might be a temptation to overreact in some of the amendments that will be offered to this bill and to the substitute. So I want to make a few points about the whole process of lobbying.

Again, a little personal history: Back in the 1960s, I was a lobbyist. I have said my timing was terrible because

when I went to work as a lobbyist, lobbyists were not paid as much as Members. Today it seems to be the other way around.

I remember belonging to a group that very creatively called itself the Breakfast Group because we met for breakfast once a month. It consisted of all of the lobbyists of Fortune 500 companies in Washington at the time. We would meet at the Chamber of Commerce where the staffer from the Chamber of Commerce would brief us on their attitudes toward our issues. He left the chamber to set up an office for a Fortune 500 company and wanted to join the group as one of our members. We voted him in, and then we voted the membership closed because we said if we get too many more, it will be too big. There were 20 members. There were 20 people who were representatives of Fortune 500 companies at the time.

Mr. President, this is an old document I hold in my hand from 2000, so it is 6 years old. It includes the names of all of the lobbyists who are currently in Washington. That little group of 20 has grown somewhat in the 40 years from then till now. But as you look through this list, one thing becomes clear that I think a lot of people do not understand with respect to the legislation we are considering. By virtue of all of the people who have now entered this kind of activity, virtually every single American is represented by a lobbyist. Every single American has someone lobbying in behalf of his or her interests, whether he or she knows it or not.

I just dipped into this document, turned open some pages, at complete random, to see who are the lobbyists and what are they here for. Here on page 473, we have the Legal Action Center for the City of New York: A not-for-profit law and policy organization fighting discrimination against people with substance abuse problems, people with HIV/AIDS, and people with criminal records. So people who have substance abuse problems, HIV/AIDS, and criminal records have a lobbyist.

Here is the Learning Disabilities Association. Here is the Lawyers Alliance for World Security: A national, non-partisan membership organization of legal professionals dedicated to stopping unrestrained weapons proliferation and bringing the rule of law to the newly independent nations of the former Soviet Union. So if you are against nuclear proliferation, you have a lobbyist.

The League of Conservation Voters: A national, non-partisan arm of the environmental movement, works to elect pro-environmental candidates to Congress, publishes annual ratings of Congress, and so on.

OK. Flipping ahead, we have the National Association of Schools of Dance: Accreditation of post-secondary educational programs in dance—they have a lobbyist—along with the National Association of State Units on Aging: A

national, non-profit public-interest organization dedicated to providing general and specialized information, technical assistance, and professional development support to State units on aging.

And I went a little deeper away from national associations. We have, on page 636 the Solar Energy Research and Education Foundation: An educational organization developing a museum in Washington featuring interactive CD-ROM-based computer technology. And next to that is the Solid Waste Agency of Northern Cook County and across the page, the Office of the Attorney General of the State of South Dakota.

Every American is represented in one form or another by a lobbyist. So we must be careful as we deal with the perception that comes out of perhaps televisionland that all lobbyists are corrupt, all lobbyists operate with shady activities, with under-the-table money.

If we decide that is, in fact, what we are dealing with and clamp down in such a way so hard as to get in the way of the National Association of Schools of Dance, we will do damage to the constitutional right—right there in the first amendment, next to freedom of religion and freedom of speech—the constitutional right to lobby. They did not call it that in the 18th century. They said the right to petition the Government for redress of your grievances because the Capitol had not been built and a lobby had not been created. But the word came out of people exercising their rights. We must respect that. We must recognize we have to do this very carefully. And we must recognize that internal reform, disclosure of earmarks, activities with respect to conference reports, cleaning up our own act of how we handle legislation is an important part of seeing to it that the process is proper.

As I said at the outset, I do not believe S. 1 is an overreaction. I do not believe the amendment in the nature of a substitute is an overreaction. I am happy to be an original cosponsor of both. And I salute the majority leader in his determination to start out with this issue because it is an issue on which we can reach broad bipartisan agreement. It is an issue that can send the message to the voters that, yes, we recognize that, however it has evolved, the rules do need to be changed. Even though the people who broke the old rules were caught under the old rules, convicted under the old rules, and sent to prison under the old rules, we need to be looking ahead and recognize that in a world where virtually everyone is involved, in one way or another, we need to do this right.

So I am happy to be a part of this debate, and I appreciate the leadership we are receiving from the majority leader and from the chairman of the committee.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished ranking member for his excellent comments, and I have learned something about his life which I found very interesting. I did not know he had started his distinguished career as a lobbyist, and I clearly saw the growth of that institution in the book the Senator held up. I thank the Senator very much for his comments. I look forward to working with him in the committee.

Mr. President, I would like to ask all Members, beginning this afternoon, to please come and file your amendments. We are eager to have them. In the unanimous consent agreement, the Senator from Montana is next, Mr. TESTER. However, I do not see him on the Senate floor. So let me say this: The way we will run this is by doing a unanimous consent agreement and trying to line up speakers, if that is agreeable with the ranking member. If people are not here, they will lose their place in line.

Mr. President, I ask the Senator, is that agreeable to the ranking member?

Mr. BENNETT. Yes, Mr. President, that will be agreeable to me, with the understanding that if the Senator does show up, then they will go in the queue wherever they can fit.

Mrs. FEINSTEIN. That is correct.

I see the Senator from Montana just emerging for his first appearance before this body, and he is therefore recognized for—I have 10 minutes down.

I ask the Senator, would you require 10 minutes or 15 minutes because we will give the same amount to the distinguished Senator LOTT?

Mr. TESTER. Mr. President, I say to Senator FEINSTEIN, 10 minutes will be more than adequate.

Mrs. FEINSTEIN. Fine. Mr. President, I yield 10 minutes of time to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for 10 minutes.

Mr. TESTER. Thank you, Mr. President.

It is a great honor for me to be before you today in this Chamber as a Senator representing the great State of Montana.

It is the genius of American democracy that a third-generation family farmer from Big Sandy, MT, can serve in the world's greatest deliberative body. We have a great opportunity with great responsibility. Americans are not enamored by ideology or political party. I ran for the U.S. Senate because I wanted to make Government work for the American people once again.

Montanans stood by me to demand change. We are here today because the American people want their Government to work. Today, we can show the American people that their Government does work by enacting genuine ethics reform, to ensure a Government that is transparent and open.

As I met with the folks across the State of Montana, I heard over and

over again about the loss of faith in our Government and our elected officials. Scandals and questionable behavior have brought a shadow over this institution. But today the Sun is rising again.

The leadership of Senator REID and the addition of the Feingold-Obama ethics reforms are a giant step forward in restoring the public's faith in their Government and public officials. The "for sale" sign on Congress will be taken down, and the pay-to-play practices of past Members will finally come to an end. These bills shine a spotlight on how Members operate in Washington to ensure that the people's business rather than the special interests' business is being done.

In Montana, we believe in working together with our neighbors to find solutions to our problems. And in our Nation, the American people are looking for all of us to represent them, the people, those hard-working families trying to make ends meet.

The best way to work for the American people is to ensure that they cannot only see what is happening in their Government but that they can take part in their Government. It is time for transparency, time for working families, small businesses and family farmers and ranchers to not only be heard but to be represented and empowered in this body and in the Halls of our Nation's Capitol.

No more currying favor with Members of Congress and staff by high-powered lobbyists through free court-side tickets or all-expense-paid travel to exotic destinations. No more slipping in special interest provisions in bills already signed, sealed, and all but delivered. No more floor privileges and Member gym privileges for former Members lobbying on behalf of their clients. No more so-called K Street projects in which Members force lobbying firms to hire staffers from a certain party or lose the Member's support for their clients' projects.

Montanans and Americans simply deserve better from their Government and elected representatives. Montanans and Americans deserve a government that is working hard for their interests, not the big-moneyed special interests. All of these special privileges and activities get in the way of making real changes that will improve the lives of hard-working and honest American and Montana families.

I want to do the job the people of Montana have hired me to do, and this ethics package gives me the tools to do just that. I am proud and honored to join with my colleagues in support of change that will bring sunshine to the process of government and allow for transparency.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I am pleased to rise again, for the second



year in a row, in support of the Legislative Transparency and Accountability Act of 2007. It was my pleasure, last year, as the chairman of the Rules Committee, to work with my colleague on the Democratic side of the aisle, CHRIS DODD, and in fact, the entire committee in a bipartisan way to produce this legislation from the Rules Committee.

Then we brought it to the floor. We had an open process. We had lots of amendments offered. At some point it was the will of the Senate we bring debate it to a close, and we produced legislation because there is a need for ethics and lobby reform. I have been an aggressive supporter of many of the provisions that have been already mentioned today and that are included in this bill.

So I want to make it clear that last year the Senate passed this legislation, with significant improvements or changes in the law with regard to the rules of the Senate, ethics, and lobbying reform, and moved it into the process of being in conference with the House. Unfortunately, it was not concluded.

I do have a long history in this area, going back to when I was in the House in the 1970s, and when we passed some gift reform in the 1980s. And here we are again. I don't back away from having in the past supported some changes. And having done it last year and again this year, I think we should move forward in this area. But I must say, I am delighted to yield the leadership role on this issue to the distinguished Senator from California, Mrs. FEINSTEIN. She is now the incoming chairman of the Committee on Rules managing this legislation in place of CHRIS DODD of Connecticut who did such a good job last year, and my colleague from the great State of Utah, Senator BENNETT. These two people will work together. They will do a credible job. They will aggressively support responsible changes in the ethics rules and lobbying laws of this country. However, I believe they will have the courage to say to us sometimes: Wait a minute, what does this mean? What are we doing to ourselves, the institution, and the job we do?

I have been in Congress 34 years. I know when changes need to be made. I also know sometimes when we are about to put a gun to our head and pull the trigger. Let's do this in a responsible, nonpartisan way that is good for the institution and good for America. But, please, let's not turn it into feckless positioning to make it look good when, in fact, the result could be very counterproductive. I hope we will not do that. I don't question anybody's motives. We all have perspectives we have to think about.

Take, for instance, the issue of earmarks. We all have views on that. In some areas it is called pork. I have said many times that earmarks are pork when they are north of Memphis, TN.

I am from one of the poorest States in the Nation. I am not going to give

up the right, the opportunity to get some help for some of the poorest people in America when the bureaucracy won't do it.

I have a little old town in Mississippi, Tchula, MS, with an African-American woman, Republican mayor, where they have to haul water to their houses for drinking. That is in America today. It is unbelievable that in 2006, you have people who don't have safe drinking water in this country. We passed the safe drinking water legislation in 1996. Yet it still doesn't seem to filter down to the poorest of the poor sometimes. I tried for years to get HUD to help this little town that sits in a saucer that floods every year.

I said: Please help us move these people onto higher ground, get them out of their snake-infested, annually flooded houses; help us get them water and sewers; help us get them decent housing; help us get them a community center, a police station. Just help them.

I never got a nickel. So my colleague Senator COCHRAN and I started earmarking funds for this little town. It wasn't big. It was a relatively small amount of money. But if we cannot, as Senators or Congressmen from a district or a State, whether it is Montana, Minnesota or Mississippi, step up sometimes where legislation has not done the job, or where the bureaucracy has not done its job, and fix the problem, then we are not fulfilling our Constitutional obligations to the citizens of our states. Sometimes I know more about the need for a transportation project than some bureaucrat at the Department of Transportation. I am not going to give up what I consider a Constitutional right, and that is the right to shape how federal money is spent.

However, has earmarking gotten out of control? Yes. Has it been growing like topsy over the years under Democrats and Republican? Yes.

Some people say: You shouldn't get an appropriation unless it has been authorized. Do you know why we started getting appropriations for projects that weren't authorized? Because we quit authorizing. The Senate got in a situation in recent years—and it goes back to both Republicans and Democrats; we share the blame on this—where we quit getting bills done. How many bills lie dormant at this desk because there is a hold by a fellow Republican or a Democrat against a fellow Democrat? If you wait until you get authorization, such as a water resources bill, before you get the appropriation, you may never get it. That forced a lot of what has happened.

I am a firm believer in sunshine. Disclose it. That is the best antiseptic. I am not ashamed of what I do. If I am going to be embarrassed if it is made public, I won't do it. Of course, there is one danger. The more we publicize what we are doing, there may be more and more pressure on us to do more. Somebody is going to have to explain on the Appropriations Committee why

Senator X gets an earmark and Senator Y doesn't. So we may be, again, creating growth in this process. But I think we should disclose it. I don't have any problem with identifying earmarks, explanations of earmarks. There is no amount of disclosure you can come up with that I wouldn't think is OK.

I also—and Senator FEINSTEIN knows this—have developed a real concern about what has been going on now and growing for a number of years where things are added in conference at the last minute that were not considered by, or included in, either the House or the Senate bill. That unnerves me. By the way, it is not just appropriations; it is authorizations, and it is tax bills.

The one incident that alarmed me actually involved a tax bill. Because if you are a conferee in the last minute of conference some night at 10 o'clock and you can change a phrase in a tax bill that can mean billions for a particular sector of the economy, that is very dangerous. But it happens.

I know it is difficult to write exact language to deal with the problem of last minute inserts in conference reports. I drafted such language that I believe will be workable. I welcome these new leaders of the Rules Committee and recommend they review closely the language I have drafted that addresses this issue and I believe will not create a tremendous problem for the leadership.

HARRY REID is going to be standing here one day trying to wrap up a session on a major bill and if we create point of order authority on anything that is added in conference without some limits on it, he could be hit with a series of points of order, one after the other after the other. Then how do you complete the conference report? The leadership has to worry about that on both sides of the aisle.

I think we could do more on these earmarks. My colleague from Mississippi Senator COCHRAN has been chairman of Appropriations, as well as the ranking member. I am going to make sure I work closely with him on how we do this. But we need to do more.

I believe this legislation we have before us is a good effort. Some people say it is not good enough. Look, if we start trying to satisfy certain media people, certain ethics groups, there is no limit. We will all be living in robes in the Russell courtyard with no access to the outside. So we can't do that. But let's do all we can. Let's do some things that will improve the way we do business. I think this legislation does this. It is bipartisan in introduction. I understand a substitute will be offered later this afternoon that will maybe move the ball forward some more. I am not sure exactly what all that would be, but what I have looked at, I don't see major problems there. I do think how you deal with the defining earmarks and how you disclose sponsorship is important but more delicate than some may think.

With regard to gifts, we ought to get over that. We should not be having gifts from lobbyists. We shouldn't be having meals paid for by lobbyists. Some of you have heard me say this, anyway. If I never have to have another meal at night with, frankly, anybody, the happier I will be. But I am so offended that somebody says for the price of a meal, I can be had by a lobbyist or anybody else. People wouldn't elect me Senator from Mississippi if they thought I could be had for a meal. Plus the meals you have up here are not any good, anyway. You can't get blackeyed peas up here. You can't get really good, properly prepared catfish up here. It is outrageous. So my point is, I am insulted by the accusation. Get rid of the gifts and meals and get that perception off the table. You are not giving up much, anyway. I would rather go home and have dinner with my wife. That is what more of us ought to do.

By the way, I hope under the present leadership we will have a little more time at night with our families. I have this unique idea about my job. I think you should work during the day, and I think you should go home at night. I hope we will not be nocturnal. I am glad to see Senator REID saying he is going to hold the votes to 20 minutes. I am glad we are going to be working on Mondays and Fridays. When I had a little bit to say about that, we did that. We voted on Mondays and Fridays. I would rather work during the day and do the responsible thing and go home and be with my family at night.

With regard to third-party-funded travel, again, I think we need to have a lot more disclosure. I think you ought to have detailed trip identification or itinerary, and a listing of who was on the trip. I do think we need to be careful. Are we going to totally ground ourselves around here? There are constitutional questions we have to consider. We do have to get places within our own States. I do think we should be aware that if you represent Maryland—maybe Senator BENNETT made this point—if you represent a State that is relatively small, you can get where you need to be in an hour in a car. But if you represent Alaska or California, you can't get there. Even my State, when I go from the Mississippi gulf coast devastated by the hurricane to north Mississippi to that great center of learning at Oxford, the University of Mississippi, it is 346 miles. That is not even the end of the State. You can't get everywhere you need to be with just automobile transportation. Should you have to report it? Should there be a limit on how you do that? Absolutely. But let's be careful about making it impossible for us to do our jobs here as men and women of the Senate.

With regard to some of the other rules included in this bill, floor privileges for former Members where the possibility, perception may be that a former Member is here lobbying on a

bill, you can't have that, no. At the same time, we shouldn't prohibit former Members on the day we are sworn in, as we had this past week, from coming on to the floor and participating in that celebratory ceremony. Again, let's use some common sense. Don't prohibit them en bloc. Allow former Members to come on certain occasions, but don't allow them to come when we are legislating, certainly, if they are lobbying.

Another issue deals with job negotiations by sitting Senators. Again, we ought to have disclosure. If you are negotiating for private employment, you should disclose that. That's what this bill does.

In conclusion, I think we have a good base bill. It sounds as though the substitute may be OK. I am sure there are going to be some amendments that we should think about very carefully. Let's be careful about pompous pontificating or questioning other people's motives. Let's be careful that when we do something, we can actually enforce it. Let's think it through. I think we can do that. I think the way it has been brought up is fine.

I am very concerned about the idea of an outside office of public integrity and how that could be used unfairly in a political season. Some people say: Well, don't worry about that. Well, you have to. Because we could do it to each other. You would hope that we wouldn't; I wouldn't do it to the Senator from Florida and he wouldn't do it to me. But it has been done. Going way back to my years in the House, I was on the franking commission. We had a process to file complaints with the franking commission if a Member of the House misused the frank. It was interesting, right before the election, how many extra complaints about abuse of the frank showed up before that commission. It became a political issue that was used to beat up a Member who quite often wasn't even guilty of anything wrong. But the damage was done. It was in the media.

Mr. President, we can and should pass a reform bill. I said that last year. It is the right thing to do. But I hope that we will use common sense. Let's not turn ourselves into something where we can't even do the job. Let's not inadvertently make criminals out of ourselves and our staffs. I am not saying there haven't been problems and that there won't be in the future. We are all human beings, and we are capable of making mistakes. But we can do a better job. I think it is time we do that.

I want to make it clear that as far as I am concerned, this is going to be a bipartisan effort.

This is not partisan. The mistakes made over the years that I have seen since I have been in Washington have been made on both sides of the aisle. We can do a better job of putting things into place where we are less likely to make a mistake. I wish the very best to the Chairlady and the

ranking member. I think they can do a good job, and I think we can do something good for the institution, and we will restore a modicum of faith in us from the American people.

Mr. NELSON of Florida. Will the Senator yield for an observation?

Mr. LOTT. I think my time has expired. Who has the floor, Mr. President?

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. I am glad to yield to the Senator from Florida.

Mr. NELSON of Florida. I wish to say this to my colleague in response to his excellent comments about the tendency of some folks to pontificate around here. It called to mind for this Senator the old adage that "I would rather see a sermon than hear one any day." That might be a lesson for all of us in public office to remember.

Mr. LOTT. Mr. President, it is a very good adage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized for 15 minutes.

Mr. NELSON of Florida. Mr. President, I am not going to take that amount of time. I do want to go back to the basic underlying problem that finally is bringing us to the point that we are going to get a bill passed here and one in the House of Representatives, and we are going to get a compromise hammered out in a conference committee and get a product which we will send to the President for his signature.

It basically has boiled down to the fact that we have had vote buying and earmark buying. That is inimical to the interests of this country and the way that we operate in a system of justice. It is inimical to the interest of a democracy, in representing the people, and when the people see this, they say: Enough; we want a change. We tried to do this in the last Congress. There was a bill passed here and there was a bill passed on the other side of the Capitol, but for all the various personal reasons and special interests, we could not get anything moving and get a final agreement.

Now, what does this come out of? It comes out of a basic human failing called pride. Pride, by the way, in the Good Book, is mentioned as one of the greatest sins. Pride can be described in many other ways. It can be arrogance, obstinance or it can be an "it is my way or the highway" attitude. It can be quite destructive. As this observer of the National Aeronautics and Space Administration would clearly note, it was arrogance in the NASA management that brought down two space shuttles—one in 1986 because the NASA management wasn't listening to what the engineers on the line were saying. The communication—in other words, due to arrogance and pride—was going one way, from the top to the bottom, not from the bottom up. That caused the destruction in January of 1986 of

the space shuttle Challenger. And 18 years later, the very same thing happened again to NASA. The space shuttle Columbia was destroyed for a different technical reason than 18 years previously, but the same reason occurred, which was the arrogance of power and pride that had set in. The same thing happened. Communication was from the top down, but they weren't listening to the engineers on the line who were telling them that that thermal protection foam on the external tank was shedding in the launch of each of those space shuttles.

So we say that same thing—pride, arrogance, the abuse of power. Remember the British politician who said, "Power corrupts and absolute power corrupts absolutely." Indeed, that is what we see. It is not applicable to one side of the aisle or the other. This has happened throughout the history of this great democracy, over two centuries. So what happens is that, ultimately, the people will say: Enough, and we want change. Then we will try to respond to the change. We remember the reaction that occurred in this country in 1974 in the election as a result of the arrogance of power that had been in the White House that we know as the Watergate scandal. And then we know about in the decade of the 1980s, where the Democrats had been in power for decades, and then there was one thing after another that was happening. In the election of 1994, people were tired of the arrogance that was being displayed. Now we are on a shorter cycle—here, in a 12-year period, from 1994 to 2006, and people were saying: I don't like this vote buying, this earmark buying, where somebody gets a special appropriation because they happen to be getting special gifts of lodging and trips and gifts and antiques and meals, and so forth and so on. And, of course, that is the celebrated case of MGM and Mitchell Wade and all of that fallout, and you hear the revelations coming out of another lobbyist, Jack Abramoff, and the resignation of another major figure in the House of Representatives. It all goes back to this arrogance of power.

Since we all have "feet of clay," what is the best way we can try to avoid that temptation of arrogance of power? The temptation is going to be there. First of all, it has to be right there in your heart. Check your own self as a public servant. But the next thing we can do is something that we are attempting to do in this legislation. You get everything out into the open, so that you know that there is always the fourth estate, the press, looking over your shoulder. That makes it easier for them to find out what the facts are. Thus, the earmarks have to be completely transparent if, indeed, there are going to be any earmarks, which is another question we will address on down the line.

Get it out into the sunshine. We have a tradition of that in Florida from way back in the 1960s, enacting the sun-

shine law. State Senator J. Emory Cross, from Gainesville, FL, a place in celebration right now as a result of the national championship—Senator Cross, who was an old country lawyer and a State senator, said there has to be a different way. That was in the 1960s. They passed Florida's sunshine law which said that a government body meeting to discuss public business had to be in the public. All of that doesn't occur here all of the time—a lot of it by necessity because of national security, and so forth. But the most we can do is get things out into the open, in the full glare of the spotlight, so that people can evaluate that what we are and what we are not doing is to strengthen this democracy. That is what we have to do.

I think this legislation is a step in the right direction. It is going to try to get at these lobbyist-financed meals, gifts, and travel. It is clearly going to require more transparency. Our democratic Government is viewed as a model in countries throughout the world. I just spent 2 weeks in the Middle East and Central Asia. They do business a lot differently. Payoffs, and so forth, are a standard practice in a lot of those parts of the world. We do it differently here. Perhaps that is another reason why this constitutional democracy has survived and, indeed, thrived for well over two centuries. The Founding Fathers established a government that was designed to put a check on power and represent the interests of all Americans, regardless of their station in life.

So as we grapple with this issue of trying to put an influence on those who articulate a special interest, a narrowly defined interest, instead of an interest for what is referred to as the common wheel, the common good, then that is very much vital to restoring the balance of power in the functioning of our Government.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 15 minutes.

Mr. SALAZAR. Mr. President, first, let me praise our great majority leader and Senator McCONNELL, the minority leader, for bringing us together for a good start to the 110th Congress. The idea of a joint caucus, both parties coming together to send a signal that we were going to work together in the 110th Congress as we begin, was a very good step. I believe Senator REID said we are now entering a season of hope and that we can move forward with hope for positive results in the 110th Congress. Senator McCONNELL talked about how a government, even though it may be divided by the two parties and the executive branch, can be the kind of government that can bring about good results for the people of America. That was a very good statement as well. Citing what happened in the 1981 Reagan Social Security revision, that was an example of how a divided Government could get a result,

as well as his speaking about the 1996 welfare-to-work reform. That was another good example of how we can get things done.

I hope this Congress, in fact, gets to be known as the Congress that did, in fact, produce results for the American people and that we can work together to bring about those results.

Today, as we begin the consideration of S. 1, it is one of those efforts in which we together are attempting to show results to the American people to restore the confidence of the American people in the institutions that belong to them.

It is no coincidence that this is the first bill to come before this new Senate. This bill lays a foundation for everything that we hope to do in the months and years ahead. It does so by addressing three fundamental needs.

First, it addresses the need to restore the people's faith in their Government. Indeed, in the wake of the Jack Abramoff scandal, the conviction of former Congressman Duke Cunningham, and the various other allegations and investigations that have created this problem in Washington, DC, it is clear that the American people have lost faith in their Government.

In case we didn't know it beforehand, that message was sent loudly and clearly by the voters in the November elections. With this bill, we have the opportunity to restore that lost faith without which we cannot effectively conduct the business of the people of America.

Second, this bill also addresses the need to bring greater transparency to the Government of America. As Justice Brandeis said a long time ago:

Sunshine is said to be the best of disinfectants.

These words have particular resonance with the American people as we look to end today the practice of holding one-party conference committees; of placing strange and anonymous holds, not knowing where they come from, on legislation and nominations just because someone wants to prevent progress from taking place; and slipping provisions into conference reports that were not passed by either Chamber, some of these provisions being slipped into the conference reports in the dead of night. With this bill, we look to replace these secretive practices with a more open and transparent Congress for the American people.

Third, we also need to take on the influence of special interests and to curb those influences of special interests on the Government of America.

When the American people see a revolving door between Congress and the K Street lobbying firms, when they see Members of Congress and staff treated to gifts and travel paid by lobbyists, when they see legislation changed at the behest of a special interest, they understandably roll their eyes. With this bill, we look to curb the influence

of special interests in favor of the people's interest because all of us were elected to represent the people first.

This bill is not a perfect bill, and we will work this week to refine and improve the bill. For example, I would like to see the denial of Federal pensions to Members of Congress who are convicted of certain crimes. I am proud to support an amendment with Senator JOHN KERRY which would do just that in this legislation. The likes of former Congressman Duke Cunningham and the bribery that occurred in that particular case should be the grounds for the denial of pensions to Federal Congressmen and Congresswomen.

I would also like to see greater transparency in the committee process, and I will offer an amendment on that issue later this week.

I also believe it is important to note that this bill touches on ethics in the executive branch. We know there has been so much focus in the public debate on how this deals only with the legislative branch of Government, but, in fact, this legislation will also end up creating a new program of Government independence and integrity in the executive branch.

It will do so by extending the revolving door for very senior executive branch employees from 1 to 2 years and by expressing the sense of the Senate that any applicable restrictions on congressional branch employees should also apply to the executive and judicial branches of Government.

We need to make sure that every branch of Government has strong ethics rules. I look forward to working with my colleagues to accomplish that goal in the coming months. It is my hope that the relevant committees address these issues in the near future.

Let me make a comment about this issue.

The fact is, the House of Representatives is dealing with ethics as their first issue, and the Senate is dealing with ethics as our first issue. We are taking a very important step in the right direction, but at the end of the day, it is the loss of confidence of the people of America in their Government in Washington as a whole that we need to take a look at, and the issues we deal with here are only focused largely on the legislative branch of Government, but there are also a whole host of issues in the executive branch of Government that should require us to take a hard look at what it is that all of our Government officials are doing.

At the end of the day, our goal should be to try to make sure the integrity of Government extends to all aspects of the Government and that the confidence of the people we all represent extends to a confidence in all of our Government. The only way we can do that is to make sure we have the highest ethical standards that apply to the Congress as well as to the White House and to the executive branch of Government.

It is my sincere hope that the committees of jurisdiction, including the

Committee on Governmental Affairs and Homeland Security and other committees that will look at this issue, will also help us bring about that kind of cultivation with respect to how we look at integrity in Government.

It isn't enough for us to clean out only a part of the barn in Washington, DC. I am a rancher and a farmer in terms of my upbringing. When you go in, you clean out the whole barn. Our effort is to clean up Washington, DC, and, if it is a committed effort on the part of both Democrats and Republicans, we need to make sure we are cleaning out the whole barn.

Finally, it is important to make sure that we all recognize this bill is moving us forward in the right direction in a number of ways. It bans all gifts, and it bans meals and travel paid for by lobbyists. That is a ban that did not exist before this context. It is an important step in the right direction.

Second, it requires public disclosure within 3 days of any hold placed on a nomination or on legislation. During the 109th Congress, Democrats and Republicans who were part of legislation we were trying to get through could not find out who was putting holds on legislation. That is not the way to do business. If a Senator has a problem with a bill, if they want to put a hold on a bill, they ought to tell their colleagues what it is they have a problem with, what is the substantive issue that causes that Senator a concern that requires him or her to put a hold on a bill.

This is a very important procedural positive step forward for this institution, and I look forward to strongly supporting that part of the bill.

Third is closing the revolving door between Congress and K Street by extending the cooling off period of Members of Congress and stiffening the rules regarding lobbying activity by senior staff members. It is an important rule that allows us to close that revolving door which has been a part of Washington, DC, for far too long.

Fourth, this legislation requires that conference reports be made available to the public at least 48 hours before their consideration by the Senate. That way not only be the public of the United States of America but also the Members of this body will have an opportunity to study what is in the legislation and will be able to react so we do not enact legislation that is passed in the dead of night without people knowing on what they are voting.

Fifth, the bill requires a list of earmarks in a bill, the identity of the Senators who propose them, and also identity of their essential Government purpose.

For the last year, we have talked about earmark reform and the importance of moving forward with changes in the earmark process, which has been a part of this body probably since its inception, but making sure we know where those earmarks are coming from, who is proposing them, and what

is the essential governmental purpose that is being addressed by that particular earmark.

It is essential for us to be able to tell the American public what it is we are doing with taxpayers' dollars. I fully support the earmark proposals that are put forth in this legislation.

As a member of the Senate Ethics Committee, I am also pleased to join with my colleagues in supporting the aspects of the bill that would do the following:

First, it would require the Ethics Committee of the Senate to report on an annual basis with detailed statistics on the number of alleged violations and the status of complaints that are pending before the Ethics Committee of the Senate.

Second, it would require the Ethics Committee that it conduct mandatory ethics training not only for Senators but also for all of our staffs who are affected by the decisions and the activities of our office on an ongoing basis.

And, third, that we as a Senate move forward in the creation of an independent commission to make recommendations on the effectiveness of congressional ethics rules and lobbying disclosure laws.

It is important to note that these changes are necessary, not because there is something inherently wrong or dishonorable about the process of petitioning the Government. They are important and they are necessary because the American people have lost faith in their Government and because our Government should be doing more to have a Government that is transparent and a Government that is responsive to the business of the people.

I commend the leadership, Senator REID and Senator MCCONNELL, members of the Rules Committee, my colleagues and friends from California and Utah who are the managers of this bill, and members of the Governmental Affairs and Homeland Security Committee for their work. This is very important legislation that is taking an important first step in restoring the faith of the American people in the integrity of their Government.

I thank the Chair, and I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold the quorum call?

Mrs. FEINSTEIN. Yes, if the Senator will withhold the request for a quorum call, Mr. President, I note that it is almost 12:30 p.m. I ask that the Senate recess until 2:15 p.m.

#### RECESS

The PRESIDING OFFICER. Under previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:27 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. MCCASKILL).

LEGISLATIVE TRANSPARENCY  
AND ACCOUNTABILITY ACT OF  
2007—Continued

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate with the Senator from Connecticut, Mr. LIEBERMAN, and the Senator from Maine, Ms. COLLINS, to be recognized for 15 minutes each.

The Senator from Utah is recognized.

Mr. BENNETT. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Madam President, I know the order provides for Senator LIEBERMAN to go first, followed by myself. Since Senator LIEBERMAN has not yet arrived on the floor, I ask unanimous consent that I be permitted to begin. When Senator LIEBERMAN arrives on the floor, I will yield to him and then reclaim my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Madam President, today the Senate once again considers significant legislation to reform ethical practices and lobbying practices. Any sense of *deja vu* among my colleagues is understandable, for the bill before us, S. 1, is identical to the bill passed by the Senate by a vote of 90 to 8 in March of last year. That bill was the bipartisan product of the Senate Committee on Homeland Security and Governmental Affairs and the Senate Committee on Rules and Administration. Because it never became law and because the issues that it addressed have only grown more troubling, the bill stands before us reincarnated but still very much needed.

The recent elections took place in the shadow of far too many revelations of questionable or even downright illegal conduct by Members of Congress. In reaction to those scandals, the American people sent a clear message to Congress that they had lost confidence in their Government. You may ask, Why does it matter? Why does it matter if the American people have confidence in their Government officials? It matters because without the trust of the American people, we cannot tackle the major issues facing this country. As long as our constituents are convinced that the decisions we are making are tainted by special influences or undue influence, then we simply cannot accomplish the work of this Nation.

I think it is appropriate that the first bill that is brought before this Chamber to be debated and considered is one that would reform the lobbying and ethics rules to increase disclosure and to ban practices that might be called into question or create an appearance of wrongdoing. We need to assure the

American people that the decisions we make are decisions of integrity, in which their interests are put first.

It is important to remember that the conduct of most Members of Congress and their staffs is beyond reproach. I believe the vast majority of people serving in the House and the Senate are here for the right reason. They are here because they care deeply about their country and they want to contribute to the formulation of public policy they believe will improve the lives of the American people.

The same can be said for the conduct of most lobbyists. In fact, lobbying—whether done on behalf of the business community, an environmental organization, a children's advocacy group, or any other cause—can often provide Members of Congress with useful information and analysis. That information and analysis aids but does not dictate the decisionmaking process.

Unfortunately, today the word “lobbying” too often conjures up images of expensive paid vacations masquerading as fact-finding trips, special access the average citizen can never have, and undue influence that leads to tainted decisions. We cannot underestimate the corrosive effect this perception has on the public's confidence in the legislative process.

One of the most important functions of the bill before us is to increase transparency, make it evident what is going on, how our decisions are made. As Justice Oliver Wendell Holmes once noted, “Sunlight is the best disinfectant.” That, indeed, is the premise of this bill. It calls for greatly increased disclosure. It provides, for example, for a searchable, accessible public database where information on lobbying contacts and filings will be maintained and disclosed. It requires far more detailed disclosure of lobbyist activities in more frequent filings under the Lobbying Disclosure Act, and it ensures that this information is made readily available to the public via the Internet. The knowledge that the public will be able to scrutinize in detail the activities of a lobbying firm and contacts between Members and lobbyists will help to provide much needed transparency in this whole area. In addition, the enhanced disclosures will allow citizens to decide for themselves what is acceptable and what is not.

This bill also contains some needed reforms of earmarks. Too many times an earmark—the designation of taxpayer dollars for a specific purpose—has been included in the final version of an appropriations bill, or another bill, despite the fact that it was never discussed or debated in either the Senate or the House. By requiring that any earmarks in legislation disclose the name of the Member of Congress who proposed the earmark and also requiring an explanation of the essential governmental purpose of the earmark, and by making this information available on the Internet, this legislation will shed sunlight on the source of and the

reason for earmarks and allow them to be fairly evaluated.

I go through a very rigorous process when I decide to press for earmarks. I make sure there is community support, I review them in depth, and I am going to be very comfortable having my name attached to earmarks that I propose. In fact, I hope then that will help my constituents know I am working very hard for a project with which I agree.

It is not the process of earmarks per se that is a problem. The problem is when earmarks are sneaked into the final version of legislation without public debate, without a vote, without any consideration, and no one is sure where the earmark came from, who sponsored it or, in some cases, even who the beneficiary is going to be. That is the problem. That is what this bill would cure.

The enhanced disclosure in this legislation not only applies to the activities of lobbyists but to our own activities as well. I am pleased this legislation takes steps to eliminate the practice of anonymous holds on Senate legislation. This occurs when a Member notifies the cloakroom that he or she wishes to block a piece of legislation from coming to the floor and yet does so anonymously. I can tell you as someone who has had to deal with anonymous holds time and again, it is very frustrating when you can't find out who is holding up your legislation, why they are holding it up, and you cannot begin to resolve whatever the problems are. The hallmark of this body should be free and open debate. A process that allows a secret hold to kill a bill without a word of debate on the Senate floor is contrary to that principle.

The bill also includes some important provisions to slow the so-called revolving door problem, where Members of Congress and high-ranking staff leave their jobs in the Senate or the House one day and then turn around and lobby the institution they once served. Once again, the limitations in this bill get to the heart of the image problem here and help to ensure the integrity of our decisions.

Many of our former colleagues have become lobbyists. There is nothing wrong with that. But there should be a cooling-off period before they come back.

I notice my colleague from Connecticut has now arrived on the floor. Through the Chair, I ask my colleague if he wants me to finish my statement or if he wants to do his now, since he was first in the queue?

Mr. LIEBERMAN. Madam President, to my friend from Maine, it is an expression of the partnership we have had over the years on the committee that the hearing in our committee went until 2 o'clock so Senator COLLINS was able to get here before I was. If she will please finish her statement and I will go after her.

Ms. COLLINS. I thank my colleague from Connecticut.

I am also very pleased to join Senators REID, MCCONNELL, FEINSTEIN, LIEBERMAN, and BENNETT in cosponsoring a bipartisan substitute amendment that will be laid down this afternoon. This substitute amendment will further strengthen the legislation we have before us. I thank all of my colleagues for working together to achieve this goal.

Nevertheless, I make clear, while I strongly support the legislation before the Senate as well as the substitute, the legislation could be further strengthened in a very important way.

Last year, Senators LIEBERMAN, MCCAIN and I proposed an Office of Public Integrity. That concept is also included in another bill that was sponsored this year by Senators MCCAIN, LIEBERMAN, FEINGOLD, and myself. I anticipate Senator LIEBERMAN, Senator MCCAIN, Senator FEINGOLD, and I will be offering this proposal during the course of this debate.

I will debate that issue later at the appropriate time, but right now let me say any true comprehensive reform of our lobbying and ethics rules should include an independent investigatory body. The American people view the way we investigate ethics violations as an inherently conflicted process. Think about it—and I know the Presiding Officer has a law enforcement background—we are our own advisers, our own investigators, our own prosecutors, our own judges, our own juries. We play every role.

As good a job as a Member of the Ethics Committee in the Senate has done in overseeing the conduct of Members and their staff, it remains difficult, if not impossible, to guarantee the system works in a way that gives the public confidence that there is an impartial, thorough review of allegations against Members of Congress when we are fulfilling every role in the process.

Now, I respect and understand the constitutional requirement that Members of Congress sit in judgment of one another and our proposal does not change. The Office of Public Integrity would bring the results of its investigation to the Ethics Committee, which would then decide whether to proceed further, whether there is an actual violation, and what kind of remedy, if any, is necessary. That is an important provision. I look forward to working with the Senator from Connecticut, the Senator from Wisconsin, and the Senator from Arizona in that area.

We need also to make sure we stop having trips that are paid vacations. However, we don't want to interfere with true fact-finding trips. Those are generally useful to our work. We are close to working out the right balance in that area.

I look forward to passing effective legislation that will help to restore the public's confidence in the Senate. By scheduling this bill first on our agenda we have recognized the importance of these issues to the American people.

We need to act without delay to help restore their faith in how we do business.

THE PRESIDING OFFICER. The Senator from Connecticut is recognized for 15 minutes.

Mr. LIEBERMAN. Madam President, I thank my colleague and friend from Maine, Senator COLLINS, for her excellent statement and for her work as she led the committee, which produced a significant part of the bill before the Senate. I will speak about it and put it in a larger context.

We all know that the trust that people have in Congress is at a low point. I don't know that it is a historic low point, but it is a lot lower than anyone wants it to be, both for the national interest and out of a sense of pride we have in the service we attempt to give.

The reasons for the low level of public trust and confidence in Members of Congress and, more to the point, in Congress as an institution are more than one. One of the significant reasons for the low level of confidence in Congress is the partisanship that has divided this institution and, too often, made it impossible to do anything for the people who sent us here, who gave us the privilege of coming here to serve them. Partisanship is one part of the lack of esteem and trust the public has in us.

A second part is the public's doubt about the ethics of Members of Congress and the process we have for judging our ethics. Scandal after scandal unfolded last year. The public was left with the impression that the self-interest of lawmakers and lobbyists too often triumphed over the national good and the national interests. That is not true, but that was certainly the impression made by some of the awful exposures and scandals that were uncovered and by the prosecution of Members and lobbyists.

Unless we take action to restore the public's trust in us—that central confidence between those who are privileged to govern and those who, if you will, are governed—we will not be able to do the things we need to do to take on and to respond, in a constructive way, to the challenges we have before the Senate, including a new strategy for Iraq, a momentous decision that will affect our national security to be kicked off, if you will, redirected, by the statement that the President will make to the Nation tomorrow night; fighting the war on terrorism, reducing the deficit, doing something to fix our health care system, which is broken; improving our public system of education which, for still does not offer an equal opportunity to too many of our children; taking stress off the middle class which is the heart and soul of our country. All of those things will not happen in a good way unless we can rebuild the public's trust in us.

It involves less partisanship, a better self-policing of ethics—and I will come to that in a minute—but also doing some of the things I have talked about,

responding to some of the problems, taking advantage of some of these opportunities that will restore the relationship between the people of the United States and those who serve them in the Congress.

And so much of law—we legislate the law—as someone taught me years ago, is the way we express our values, the way we express our aspirations for ourselves as a society, the rights and wrongs, what we hope we will be, is apparent in the system by which we legislate ourselves and those who lobby us. But the reality is that the best system for doing that is our own ethical norms, which most of us, of course, have; that, ultimately, we have to self-police ourselves by not trifling with and demeaning the extraordinary opportunity to serve that our constituents have given us.

Now we come to S. 1. I truly commend our new majority leader, Senator REID, for introducing an ethics and lobbying reform bill as S. 1 and scheduling it as the very first legislative item of business for the Senate in this 110th Congress. I will give a little background to how we got here, particularly legislatively how we got here.

In January of last year, I was privileged to join Senator MCCAIN in cosponsoring a sweeping lobbying reform bill that he crafted following his and Senator DORGAN's courageous investigation into the scandal surrounding the lobbyist Jack Abramoff. Senator FEINGOLD and Senator REID also introduced comprehensive bills that added many constructive, progressive ideas to the debate.

Senator COLLINS seized the moment as Chairman of the Homeland Security and Governmental Affairs Committee, and by early March of last year, our committee reported, with near unanimous bipartisan support, the most significant piece of lobbying reform legislation to come before Congress in over a decade. In the Rules Committee, Senators LOTT and DODD worked together to mark up a tough set of reforms to the Senate ethics rules. Senators FEINSTEIN and BENNETT, as the incoming and ranking members of that committee, have picked up the baton of reform where their predecessors left off.

As a result of a truly bipartisan effort last year, the Senate combined provisions reported out of the two committees—Homeland Security and Rules—and passed the legislation overwhelmingly by a vote of 90 to 8. Unfortunately, the House did not pursue the same course. It passed a weak bill on a mostly partisan vote and the House and Senate never moved to conference.

Now, we begin the new year with a fresh chance to finish old business and clean up our House and Senate for tomorrow. Last year's Senate-passed bill is the text of S. 1 before the Senate now, a set of reforms that would bring greater honesty and transparency to the way we do business in Washington.

This year, we should go beyond last year's proposals, as Senator COLLINS



said, and enact even stronger reforms because the demand and need is greater. Our legislation should go further to include an independent Office of Public Integrity.

What we start with today in S. 1 is a very strong statement that the 110th Congress will put the public interest over special interest.

I will spend a few moments describing the provisions of S. 1 that were reported out of our Homeland Security and Governmental Affairs Committee in March of last year, dealing primarily with the Lobbying Disclosure Act which comes before our committee under the rules.

The Lobbying Disclosure Act was passed in 1995, more than a decade ago. Since then, the number of lobbyists has skyrocketed. Last year, 6,554 lobbying firms or organizations, not individuals—firms or organizations—registered to lobby. That is almost double the 3,554 registrants in 1996, the first full year of reporting under the Lobbying Disclosure Act. The Office of Public Records received a total of 46,835 lobbying reports last year which represents a tremendous amount of activity. The amount of money spent each year on lobbying has skyrocketed, as well. Here we make estimates that put the number well over \$2 billion a year for lobbying.

Now, to state the obvious, but the obvious often needs to be stated, lobbying Congress is not an evil thing to do. Being a lobbyist is not a dishonorable profession. In fact, lobbying Congress is a constitutionally protected right. The first amendment protects the right of all people to petition the Government for redress of grievances. Therefore, we have to be respectful when we legislate in this area. But it is entirely consistent with the first amendment right, and, of course, essential to our Government to provide ethics and transparency for lobbying practices.

First and foremost, are the politicians. In S. 1, we bring the Lobbying Disclosure Act into the age of the Internet by requiring electronic filing and creating a public-searchable database on the Internet, making the information as accessible as a click of the mouse to everyone interested.

We bring greater transparency to the relationship between lawmakers and lobbyists by expanding the types of activities lobbyists must disclose, including their campaign contributions, the fundraisers they host for Federal candidates, travel arranged for Members of Congress, payments to events to honor Members of Congress, and contributions to entities such as charities that are established by, for or controlled by a Member. We would get more timely disclosure from lobbyists by requiring them to submit filings on a quarterly, rather than a semiannual, basis.

S. 1 would also close a major loophole in the Lobbying Disclosure Act by requiring lobbyists, for the first time, to disclose paid efforts to generate grassroots lobbying.

Our former colleague, the late and really great Lloyd Bentsen, a Senator from Texas, once described this kind of grassroots lobbying as "Astroturf lobbying." Why? Because it generates manufactured, artificial rather than real, self-grown, grassroots pressures on Congress.

As it stands now, the Lobbying Disclosure Act requires disclosure only by lobbyists directly in contact with Members. S. 1 would require disclosure of the identity of organizers of media campaigns, mass mailings, phone banks, and other large-scale efforts encouraging the public to contact Members of Congress about specific issues. This is important because it would provide the American people, Members of Congress, ourselves, and the media with a better understanding of whose money is financing which efforts to influence Congress. This bill calls for transparency, but puts no limits on activity.

We would also remove the cloak obscuring so-called stealth lobbying campaigns which occur when a group of individuals, companies, unions, or associations ban together to form a lobbying coalition. These coalitions frequently have innocent-sounding names that give the impression they are promoting positive mom-and-pop, apple pie goals. But, in fact, they lobby on a range of issues that could never be identified by the name of the coalition.

S. 1 would also toughen the enforcement provisions under the Lobbying Disclosure Act by doubling to \$100,000 the civil penalty that a lobbyist is subject to for violations of the law's requirements. And, for the first time, this proposal would forbid a lobbyist from providing gifts or travel to a Member of Congress in violation of House or Senate rules.

We would slow the revolving door between Congress and K Street by doubling from 1 to 2 years the so-called cooling off period for former Members of Congress, during which time they would face lobbying restrictions.

In total, the provisions of S. 1, I believe, provide a strong foundation for reform. Can this bill be improved? Of course it can. And I believe it will in the amendment process that will come before this Chamber on S. 1.

The majority leader, I know, is working to craft a comprehensive substitute bill that will go even further toward tightening earmark disclosure and revolving-door rules. I am confident that, through the amendment process, we will emerge with a bill that is even stronger than the good bill we passed last year.

A final word. In my opinion, significant changes to our ethics rules must be accompanied by significant changes to the way we enforce those rules. The public is understandably skeptical about a system in which we investigate, consider, and pass final judgments on allegations of ethical responsibility. They have seen too many Members, in the last few years particu-

larly, caught up in scandal. In order to win the public's confidence, and, frankly, to do what is right to demonstrate our seriousness in this effort, I believe it is time, this year, to create an independent, investigative, and enforcement Office of Public Integrity. That would in no way usurp the ultimate authority of the Senate Ethics Committee, under rules consistent with the Constitution to be the final arbiter of questions about the ethics of Members of the Senate.

Mr. President, in closing, I would say this: We have an opportunity to begin anew—a fresh start at rebuilding the bonds of trust that have been broken between the Congress and the American people because of the unethical behavior of a few Members of this great institution.

S. 1 is the beginning, and a strong beginning, of what I believe will be an even stronger ending to accomplishing that critically important goal.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, is S. 1 now before the Senate?

The PRESIDING OFFICER. Yes.

AMENDMENT NO. 3

Mr. REID. Madam President, I send an amendment to the desk in the form of a substitute.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. McCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, and Ms. COLLINS, proposes an amendment numbered 3.

Mr. REID. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Madam President, I am very happy the Senate has now begun debate on S. 1. It is a strong, bipartisan package of ethics reforms and will help reassure the American people that we answer to them.

The matter now before the Senate, S. 1, without the substitute I have offered, would be the most significant changes in ethics and lobbying reform since Watergate. So if we do nothing else other than adopt the Reid-McConnell S. 1, we should feel very good about what we are able to accomplish in this body.

I repeat, if we accomplish nothing else, the legislation now before this body will be the most significant, important change in ethics and lobbying rules for about three decades. So without any question, S. 1 is a good start.

But we should even do better, and that is what the substitute I sent to the desk on my behalf and that of Senator McCONNELL will do. It will even do better for the American people.

For those who are watching this debate in the Senate and are expecting

real, meaningful results, that is what is going to happen. I think the American people for sure are not interested in quick fixes or window dressing or a few public relations moves. They want bold changes. They want us to fundamentally alter the way business is done in the Nation's Capital and to ensure that the people's interests—not the special interests—come first in the Halls of Congress.

So today Senator MCCONNELL and I introduced S. 1. And now I have offered on our behalf—Senators MCCONNELL and REID—a substitute amendment designed to make the Senate's ethics legislation even stronger.

First of all, I want the RECORD spread with my appreciation and the acknowledgment of the bipartisan effort of the Republican leader. I think it speaks volumes that the two of us are here before this body asking our Members to support two very fine pieces of legislation, S. 1 and now the substitute amendment. We are asking our Members to join with us.

As I indicated earlier—and I repeat for the third time—if we do nothing other than pass S. 1, tremendous changes in the way we do business in Washington will occur. But now, to add to that, is the bipartisan substitute which will make that even stronger. So I cannot say enough publicly or privately in the way of extending my appreciation to the Republican leader for working with me.

And we worked together on this issue. Our staffs have worked together on this for weeks—weeks. And we did not finalize what we were going to do until today as the Senate convened. The Republican leader suggested to me: Here are some things I think we should do. Here are some things we should not do. What do you think?

I said: I will think about it. I have thought about it. He was right. I acknowledged that he was right and called him a short time later and indicated that to be the case.

What are a few of the highlights of the Reid-McConnell substitute amendment?

First, the substitute will place new prohibitions and disclosure requirements on lawmakers and senior staff when they seek private sector employment. The underlying bill slowed the revolving door between top Government jobs and lucrative private sector employment, but the substitute amendment will do even more to reduce the undue influence that results from the revolving door.

Second, the Reid-McConnell substitute will eliminate dead of night changes to conference reports. Once a conference report has been signed, it will be completely impermissible to change it.

What is this all about? We have had so many instances in recent years where the conference is closed, and sure enough, we come to the Senate floor and the conference report includes matters that were put in the bill

after the conference had been closed. That is wrong. That will no longer be possible. What we do with conference reports will have to be done in a public fashion.

Also, you will note this legislation does things other than what has been done on a bipartisan basis with Reid and McConnell. For example, one of the finest relationships we have in this body is between Democrat KENT CONRAD and Republican JUDD GREGG. They are both experts with the Government's money. They work together as much as they can, in a bipartisan fashion, and I think it is better than any two budget people have worked together since we have had a budget process in the Senate.

The substitute includes a reform proposal by the chairman and ranking member of the Budget Committee, Senators CONRAD and GREGG, requiring that conference reports be accompanied by a CBO score. We need to restore fiscal discipline and reduce the large deficits that have developed over the past several years.

In the past we have had conference reports that have had matters included with no ability for Senators to determine how much it was going to cost. Just put these in there and, we were told: Well, the CBO did not have time to do it. It is the end of the session. It is a big bill. They do not have the time to do it.

They are going to have to have the time to do it now or it will not be done. That matter will not be in unless we have a score from the Congressional Budget Office.

There are a number of other things in this substitute. I will not mention them all. But the substitute amendment will strengthen the provision in the underlying bill requiring disclosure of earmarks.

The American public should be concerned about earmarks. Now, I am not opposed to earmarks. They have been in appropriations bills since we have been a country. They have just gotten way, way out of hand. Thousands of them. And it has not shined a good light on our Congress.

In recent years, we have seen lawmakers—working on behalf of lobbyists—insert anonymous earmarks, costing taxpayers millions and millions of dollars, into legislation at the last minute. In these instances, the earmarking process has been subject to abuses that we must all work together to bring to an end.

I have been a Member of the Appropriations Committee for two decades, and there is not a single earmark I have ever put in a bill that I would be afraid to put my name on. And that is in effect what we are asking: if an earmark has merit, a Senator should be willing to stand by it publicly. That is why, under this bill, if a Member of Congress wants to direct taxpayer funds to a specific need—they have a right to do that, and I believe an obligation to do that—if a Member of Con-

gress wants to direct taxpayer funds to a specific need that they believe is important to their State or to this country, they will be required to attach their name to that in the light of day. That is appropriate.

Now, the substitute that Senator MCCONNELL and I have offered to the Senate has more than that. But that is a rough outline of what we have.

Madam President, I ask for the yeas and nays on the substitute amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4 TO AMENDMENT NO. 3

(Purpose: To strengthen the gift and travel bans.)

Mr. REID. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. DURBIN, and Mr. SALAZAR, proposes an amendment numbered 4 to amendment No. 3.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Madam President, my presence on this floor relating to this bill is about to come to an end. I would hope that when I finish my brief statement Senators will come and participate in the debate dealing with S. 1, the substitute Senator MCCONNELL and I offered, and this amendment, and then whatever other amendments.

I have indicated there will be an open process here, and I want Senators to feel comfortable that they have the opportunity to offer amendments. I will say, I think we should move forward as quickly as possible. I would very much like to finish this bill next week and have every intention to do so. In fact, everyone should be aware of and alerted to the fact that we are going to finish the bill next week, even if it goes past Friday at 12 o'clock.

We need to finish this legislation. Next week is a short week because of Dr. King's holiday. So we need to work on this legislation. We do not have a lot of time just to wait around and have a lot of quorum calls.

Last November, the American people called for bold changes in the way Washington does business. In the Senate, we have made answering this call for change our first priority, S. 1.

Senator MCCONNELL and I have joined with S. 1, and Democrats and Republicans together introduced a sweeping package of ethics reforms as our first item of legislation. And today, as I have indicated, Senator MCCONNELL and I have made the bill even stronger.

I would like to go even further. That is what this one, final amendment I have offered does. My second-degree amendment contains three major provisions.

First, it strengthens the gift ban in the underlying bill. Whereas S. 1 bans

gifts from lobbyists to Members of Congress and staff, this amendment would go one step further and ban gifts from companies and other organizations that even employ or retain lobbyists.

Two, this amendment strengthens the travel ban in the underlying bill. Whereas S. 1 bans travel paid for by lobbyists, this amendment will go further and ban—with some commonsense exceptions—travel paid for by companies and other organizations that employ or retain lobbyists.

Finally, this Reid amendment will include a very significant reform about which there has been much discussion in recent days.

This amendment will require Members of the Senate to pay the full charter fare if they wish to travel on private airplanes. If a Senator needs to fly on a private airplane for any purpose, he or she should be required to pay the full cost of that trip, not a discounted one. These reforms are not aimed at any particular lawmakers. I have traveled on private airplanes a lot over the years. These reforms are not directed to any particular lawmaker or any political party. We have all done it over the years, with some exception. They are designed to remove even the appearance of impropriety from this Congress.

What we in this body have to do is not only do away with what is wrong but what appears to be wrong. And to the American public, flying around on these aircraft appears to be wrong. I hope it hasn't changed any votes. I am confident it has not. But we want to do away with what even appears to be wrong.

I repeat, this particular reform is not aimed at any particular lawmaker, any particular political party, any particular campaign committee. It is designed to remove even the appearance of impropriety from Members of this body and send a strong signal to the American public that their elected representatives are not unduly influenced by meals, travel, and gifts that lobbyists and large corporations are willing to lavish. We all remember the scandals making headlines across America a year ago. The newspapers were filled with the stories of lawmakers being flown around the world for rounds of golf, corrupt lobbyists bilking their clients for millions of dollars, and of top congressional staff being wined and dined and treated to sporting events by special interests trying to influence their bosses. These stories have a corrosive effect on the great institution in which we all serve. We must make sure they are never repeated by reassuring the American people that legislation can't be traded and that their leaders can't be bought.

I look forward to a spirited debate on these amendments and eventual passage of this bill. Together we must do all we can to restore the faith of the American people in their Government. We need to answer the people's call for change. If an earmark has merit, a law-

maker should be willing to stand by it publicly. If a person wants to fly on an airplane, it should be under the rules that apply to most everybody else in the country.

These are significant proposals of change. They are for the good of the institution. I hope the vast majority of the Senate will support the amendment offered by Senator MCCONNELL and this Senator and also the amendment I offered by myself.

The PRESIDING OFFICER. The majority whip is recognized.

Mr. DURBIN. Madam President, I commend my colleague, Senator REID, the majority leader. I was happy to join in cosponsoring not only the Reid-McConnell substitute but also the Reid amendment that has just been offered. What we are attempting to do is restore the confidence of the American public in Congress. We have a lot of work to do. The sad and troubling events of the last several years which have involved investigations, prosecutions, and convictions of so many on Capitol Hill and those who work nearby are a grim reminder that there are people who will try to exploit this system.

I echo the sentiments of the Senator from Maine, Ms. COLLINS, when she said that the overwhelming majority of the Members of the House and Senate, both political parties, are honest, hard-working people. I have spent many years working with my colleagues in the Senate as well as in the House. I do believe they understand that public service is not supposed to be an avenue to wealth; it is supposed to be an opportunity to serve. If you want to get rich, don't run for office. That is the basic rule which all of us understand. Those who fail to understand it unfortunately tarnish the reputation of Congress and those others who serve honorably.

We are attempting through this effort, which Senator FEINSTEIN and Senator BENNETT are leading on the floor, to make changes in the rules of the Senate and the procedures of the Senate so we can start to restore the confidence of the American people in this institution. It is fitting and proper that this is the first bill we consider. This is the first thing we should do. Everything else should follow after we have addressed this important ethical concern.

I wish to say a word about earmarks because there has been a lot said. Some believe—even the President, in a recent Wall Street Journal article—that earmarks are the root of the real problem on Capitol Hill. I don't agree with the President. I think as long as earmarks in appropriations spending bills are fully transparent, clearly for a public purpose, they are a good thing.

I have been involved in the Appropriations Committees in both the House and Senate, trying to bring back a fair share of funds to my home State of Illinois through the earmark process. Where some may try to squirrel

away or secret away an earmark in a bill, I view it much differently. It is usually a race to the press release to take credit for things we have included in the bill because I take great pride in the effort we have made. This legislation addresses the earmark process. It will add transparency and accountability to it and, in so doing, allow us to return to the earmarks and appropriations bills with pride, understanding we have improved that process overall.

The last point I would like to make is that those who would take bribes in public life are clearly criminal. They have violated the law. They should be prosecuted and convicted for that bribery and corruption. We are attempting now to limit the contacts between those who have an interest in legislation and those of us who vote on legislation to make sure that relationship is more professional, less personal, and that there is more disclosure on both sides in terms of that relationship.

I would like to say for a moment that it doesn't get to the heart of the issue. The heart of the issue is not whether any Member of Congress is going to take money or a lavish gift or trip. That happens so rarely. But there is something built into our political system that really has to be debated, that goes to the real heart of this issue; that is, the way we finance our campaigns as elected officials.

Unless you are one of the fortunate few—so wealthy that you can finance your own campaign and never ask for a contribution—most of us spend a good part of our public lives asking for donations. We go to every one we see, from those of modest means who give us small checks to the richest people in America who write much larger checks. It is almost an imperative if you are not wealthy, if you want to finance a campaign, to find millions of dollars to buy the television and radio time to deliver your message in your State. If we really want to get to the heart of restoring the confidence of the American people in our Government, we have to go to the heart of the problem—the way we finance political campaigns.

For many years on Capitol Hill, I resisted the notion of public financing of campaigns. I had some pretty good arguments against it. Why do I want to see public moneys or taxpayer dollars going to crazy candidates representing outlandish causes who have no business in this political process? Well, those arguments held up for a while, but over time I came to understand that while I was arguing against that lunatic fringe in American politics, I was creating a trap for everyone else who was honest and trying to raise enough money to wage an effective campaign.

The time has come for real change. In this last election cycle, which the Presiding Officer knows full well, more money was spent in that off-year election than in the previous Presidential election year. The amount of money

going into our political process is growing geometrically. It means that more and more special interest groups and individuals with an agenda are pouring dollars into the political process. It means that our poor, unsuspecting voters are the victims of these driveby ads that come at them night and day for months before a campaign. It means that candidates, both incumbents and challengers, spend month after weary month on the telephone begging for money.

It is no surprise that the same people we are begging money for are the people who are the subject of this ethics legislation—the lobbyists of the special interest groups. We live in this parallel world.

Today, with the passage of this underlying legislation, we will ban a lobbyist buying me lunch. Tomorrow that same lobbyist can have me over for lunch at his lobbying firm to provide campaign funds for my reelection campaign, and it is perfectly legal. What is the difference? From the viewpoint of the person standing on the street looking through the window, there is none. It is the same lobbyist and the same Member of Congress. The fact that one is a political campaign fundraising event and another is a personal lunch is a distinction which will be lost on most of America.

The reason I raise this is I will support these ethics reforms. They are absolutely essential. They are the product of the scandals we have seen on Capitol Hill in the last several years. But if we stop there, if we do nothing about the financing of our political campaigns, we have still left a trap out there for honest people serving in Congress to fall into as they try to raise money for their political campaigns. In a few weeks I will be introducing public financing legislation to try to move us to a place where some States have already gone—the States of Arizona, for example, and Maine—moving toward clean campaigns, understanding that the voters are so hungry for changes and reforms that will shorten campaigns, make them more substantive, take the special interest money out of those campaigns, make them a real forum and debate of ideas and not a contest of fundraising. Sadly, that is what they have become in many instances.

I urge my colleagues in their zeal for reform not to believe that the passage of S. 1 and its amendments will be the end of the debate. I hope it will only be the beginning and that we can move, even in this session of Congress, to meaningful hearings and the passage of public financing of campaigns that will truly reform the way we elect men and women to office at the Federal level and restore respect to this great institution of the U.S. Congress, both the House and the Senate.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. OBAMA. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OBAMA. Madam President, in November, the American people sent a clear message to their representatives in Washington. After a year in which too many scandals revealed the influence special interests have in this town, the American people told us that we better clean up our act, and we better do it fast.

But it would be a mistake if we conclude this message was intended for just one party or one politician. After all, the votes hadn't even been counted in the last election before we started hearing reports that corporations were already recruiting lobbyists with Democratic connections to carry their water in the next Congress. This is why it is not enough to just change the players; we have to change the game.

Americans put their faith in us this time around because they want us to restore their faith in Government, and that means more than window dressing when it comes to ethics reform.

I was hopeful that last year's scandals would have made it obvious to us that we need meaningful ethics legislation, but last year, despite some good efforts on this side of the aisle, the bill we ended up with, I thought, was too weak. It left too many loopholes, and it did too little to enforce the rules. It was a lost opportunity. It would not have restored the people's faith in Congress, and in that end I had no choice but to vote against it.

I don't want that to happen this time. Fortunately, the substitute amendment the majority leader, HARRY REID, has offered today brings us close to the bill that will achieve his stated goal, and that is to pass the most significant ethics and lobbying reform since Watergate. We owe the American people real reform, and if we work hard this week and next, we will get it done.

This time out, we must stop any and all practices that would lead a responsible person to believe a public servant has become indebted to a lobbyist. That means a full gift and meal ban. That means prohibiting lobbyist-funded travel that is more about playing golf than learning policy. And that means closing the revolving door to ensure that Capitol Hill service, whether as a Member of Congress or as a staffer, isn't all about lining up a high-paying lobbying job. We should not tolerate a committee chairman shepherding the Medicare prescription drug bill through Congress at the same time he is negotiating a job with the pharmaceutical industry to be their top lobbyist.

The substitute bill offered by Majority Leader REID contains many of these reforms. I thank him for working with Senator FEINGOLD and me in crafting

this package. But in two important respects, I think we still need to go further.

First, we need to go further with respect to enforcement. I will save my remarks on this subject for a later time, but I fully support the creation of an office of public integrity, as Senators LIEBERMAN and COLLINS have proposed. It is similar to the independent ethics commission I proposed last February. Regardless of what approach we adopt, we have to take politics out of the initial factfinding phase of ethics investigations, and we have to ensure sufficient transparency in the findings of those investigations so the American people can have confidence that Congress can police itself.

The second area in which we need to go further is corporate jets. Myself and Senator FEINGOLD introduced a comprehensive ethics bill that, among other things, would close the loopholes that allow for subsidized travel on corporate jets. Today, I am very pleased to see the majority leader has offered an amendment that would serve the same purpose. I fully support him in his effort.

Let me point out that I fully understand the appeal of corporate jets. Like many of my colleagues, I traveled a good deal recently from Illinois to Washington, from Chicago to downstate, from fundraisers to political events for candidates all across the country. I realize finding a commercial flight that gets you home in time to tuck in the kids at the end of a long day can be extremely difficult. This is simply an unfortunate reality that goes along with our jobs.

Yet we have to realize these corporate jets don't simply provide a welcome convenience for us; they provide undue access for the lobbyists and corporations that offer them. These companies don't just fly us around out of the goodness of their hearts. Most of the time we have lobbyists riding along with us so they can make their company's case for a particular bill or a particular vote.

It would be one thing if Congressmen and Senators paid the full rate for these flights, but we don't. We get a discount—a big discount. Right now a flight on a corporate jet usually costs us the equivalent of a first-class ticket on a commercial airplane. But if we paid the real price, the full charter rate would cost us thousands upon thousands of dollars more.

In a recent USA Today story about use of corporate jets, it was reported that over the course of 3 days in November 2005, BellSouth's jet carried six Senators and their wives to various Republican and Democratic fundraising events in the Southeast. If they had paid the full charter rate, it would have cost the Democratic and Republican campaign committees more than \$40,000. But because of the corporate jet perk, it only cost a little more than \$8,000.

There is going to be a lot of talk in the coming days about how important

it is to ban free meals and fancy gifts, and I couldn't agree more, but if we are going to go ahead and call a \$50 lunch unethical, I can't see why we wouldn't do the same for the \$32,000 that BellSouth is offering in the form of airplane discounts. That is why I applaud Senator REID on his amendment to require Members to pay the full charter rate for the use of corporate jets.

As I said, I understand that for many Members, these jets are an issue of convenience. They allow us to get home to our constituents, to our families, and to the events that are often necessary for our jobs. But in November, the American people told us very clearly they are tired of the influence special interest wields over the legislative process. The vast majority of Americans can't afford to buy cheap rides on corporate jets. They don't get to sit with us on 3-hour flights and talk about the heating bills they can't pay, or the health care costs that keep rising, or the taxes they can't afford, or their concerns about college tuition. They can't buy our attention, and they shouldn't have to. And the corporation lobbyists shouldn't be able to either. That is why we need to end this corporate jet perk if we are to pass real, meaningful ethics reform.

The truth is, we cannot change the way Washington works unless we first change the way Congress works. On November 7, voters gave us the chance to do this, but if we miss this opportunity to clean up our act and restore this country's faith in Government, the American people might not give us another opportunity.

I urge my colleagues to support both the substitute amendment and the Reid amendment to close the corporate jet loophole. I ask unanimous consent that I be added as a cosponsor to the Reid-McConnell amendment No. 3 and Reid amendment No. 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OBAMA. I thank the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Madam President, there are some Senators here who want to offer an amendment. I simply want to make a brief response to my friend from Illinois and his comments about corporate jets.

I have seen firsthand exactly what he is talking about, where a corporate jet picks you up, takes you to a fairly remote location, and it is not only well stocked with food and drink but with experts who will fill you in on what it is they want you to know.

There is another side of it, however. As the Senate knows, I am unburdened with a legal education, but there is one phrase that comes out of the legal profession and I think applies here, which is: Hard cases make bad law. I am speaking now for the most senior Republican who will very much speak for himself on this issue, but I think in this context it is appropriate to insert these remarks.

In the State of Alaska, the only way one can get to 70 percent of the population locations in Alaska is by air. I suppose one could get there by dogsled, but as a practical matter, the only way you get there is by air.

That being the case, there are planes flying all over Alaska every day, and virtually all of them are owned by corporations.

The corporate executive is flying from Anchorage to point A or from Juneau to point B, or whatever, and says to the Senator: I am going there; can I give you a ride? There is no charter rate for these kinds of activities. Some of the planes are pretty small. But this is the only way you can get around in that State.

A Senator said this morning in our breakfast meeting: In my State, I can get to every location in the State in less than an hour by automobile. I have been in the State of Delaware. It is hard to stay in the State of Delaware by automobile. But if you go to some of the large States of the West—Alaska being obviously the largest—and an absolute, firm ban on any kind of flight on corporate jets unless you are paying commercial hourly rates for the charter is to say to the Senators of Alaska: You cannot travel around your State; you can't communicate.

Utah is a smaller State than Alaska. I don't take flights around Utah very often. I spend a lot of time in the car. From one end of the State to the other, it takes about 4 hours by car. Sometimes it is easier to do that than try to deal with the hassle of getting in and out of airports, and many of the places I go don't have airports. But I would hope, as we have this debate about corporate jets, that we do not think solely in terms of Halliburton's corporate jet with a single Senator surrounded by lobbyists, and we recognize at the other end of the spectrum there are circumstances that require—indeed, common sense dictates—the use of corporate jets fully reported, paid for in an intelligent way that will allow us to not take a single case and apply it to every situation.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I regret the Senator from Illinois left the floor because I thought I might ask a question of him. But he has left the floor. I see a Senator on the other side ready to speak, so I will defer at this time.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Madam President, I have looked forward to joining this debate. I compliment those leaders who had the foresight to bring this very important issue to the floor of the Senate at the very beginning of this new Congress.

I worked with many Senators on both sides of the aisle last year. We had a bipartisan working group very focused on ethics and lobbying reform. We tried to

push forward some bold, significant proposals.

In the end, I was rather disappointed, quite frankly, with the final product as it left the Senate floor. But I am very hopeful that we will produce a stronger, bolder final product now in this new Senate this month, particularly having listened to the voters and their very clear statements on the issue in the last election.

#### AMENDMENT NO. 5 TO AMENDMENT NO. 3

Mr. VITTER. Madam President, in that regard, I will send up three amendments to the desk and I ask that they be considered. I call up the first of those three amendments and I will explain it. I ask that the pending amendment be set aside for that purpose.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows: The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 5 to amendment No. 3.

Mr. VITTER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the application of the Federal Election Campaign Act of 1971 to Indian tribes)

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . APPLICATION OF FECA TO INDIAN TRIBES.

(a) CONTRIBUTIONS AND EXPENDITURES BY CORPORATIONS.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following:

“(d) TREATMENT OF INDIAN TRIBES AS CORPORATIONS.—

“(1) IN GENERAL.—In this section, the term ‘corporation’ includes an unincorporated Indian tribe.

“(2) TREATMENT OF MEMBERS AS STOCKHOLDERS.—In applying this subsection, a member of an unincorporated Indian tribe shall be treated in the same manner as a stockholder of a corporation.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any election that occurs after December 31, 2007.

Mr. VITTER. Madam President, this amendment is very simple. It attacks what is a very significant loophole in current campaign finance law, and that is a big and gaping loophole with regard to Indian tribes. As you know, under Federal campaign finance law, entities such as corporations, labor unions, et cetera, can participate in the Federal political process, but they need to do that, in terms of contributions and finances, through PACs, through political action committees. That is not true with regard to Indian tribes. Indian tribes, unlike every other entity, unlike corporations, unlike labor unions, unlike every entity under the Sun, can give money directly from their tribal revenues—including, of course, their biggest source of revenue right now, which is gambling revenue. So they can take that significant

source of money and use that directly, through the leadership vote of the tribe, to give money to political candidates.

In addition, there is another part of this big loophole, and that is that some of the cumulative giving limits that apply to every other entity out there—corporations, labor unions, et cetera—do not apply to Indian tribes. Again, this is a very glaring loophole under present Federal campaign finance law. I do not think there is any good rationale or argument under the Sun to retain it.

I strongly urge all of my colleagues, Democrats and Republicans, to take a good, hard look at this and vote for and support this very simple amendment which simply closes that loophole.

We may have some Member stand on the Senate floor and say: It may be a good idea, but we need to put it off. We are going to look at campaign finance later. We need to talk about this later in a different context.

I strongly disagree. When we think about the events of the last year, when we think about the debate, the national concern about corruption and cronyism, certainly there are big stories having to do with Indian tribes at the center of this. Some of the worst abusers of those situations were not the tribal members nor the tribal leadership themselves, but certainly it involved Indian tribes, and certainly the enormous amount of money available to the tribes because of gambling revenue was at the heart of those very bad situations.

I think we need to address this now. We need to hit it dead on. It is very much part of the stories and concerns we have heard about over the last year or two. Again, this is very simple, straightforward and very fair—which is to treat Indian tribes exactly as we treat other entities, such as corporations, such as labor unions, et cetera. Certainly allow them to participate in the political process, certainly allow them to fully support candidates of their choice but make them do that through setting up PACs, not simply allow them to spend their gambling revenue or other proceeds directly and in many cases without some of the overall limits that apply to other entities such as corporations.

With that, I will be happy to answer any questions or participate in any debate on the floor. I, also, have two other amendments at the desk. Whenever it is in order, I ask to call up those so we may discuss those as well.

Mrs. FEINSTEIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VITTER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 6 TO AMENDMENT NO. 3

Mr. VITTER. Madam President, I ask unanimous consent to lay aside the pending amendment and call up my second amendment at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 6 to amendment No. 3.

Mr. VITTER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit authorized committees and leadership PACs from employing the spouse or immediate family members of any candidate or Federal office holder connected to the committee)

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . PROHIBITION ON EMPLOYMENT OF FAMILY MEMBERS OF A CANDIDATE OR FEDERAL OFFICE HOLDER BY CERTAIN POLITICAL COMMITTEES.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by inserting after section 324 the following new section:

#### “SEC. 325. PROHIBITION ON EMPLOYMENT OF FAMILY MEMBERS OF A CANDIDATE OR FEDERAL OFFICE HOLDER BY CERTAIN POLITICAL COMMITTEES.

“(a) IN GENERAL.—It shall be unlawful for any authorized committee of a candidate or any other political committee established, maintained, or controlled by a candidate or a person who holds a Federal office to employ—

“(1) the spouse of such candidate or Federal office holder; or

“(2) any immediate family member of such candidate or Federal office holder.

“(b) IMMEDIATE FAMILY MEMBER.—For purposes of subsection (a), the term ‘immediate family member’ means a son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of the Member.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

Mr. VITTER. Madam President, this is a second amendment of a package of amendments I am presenting to the full Senate. As I did with the first amendment, what I would like to do—and I have had discussions with the Chair and ranking member, the participants who are leading the floor debate—is I will briefly explain this amendment. I will certainly be happy to engage in a fuller debate at a later time and have a full vote on this amendment, as with the previous one, at a later time, hopefully, in the next few days.

This amendment, also, directly addresses a situation that has clearly arisen and clearly caused great concern among the American people in the last couple of years. That is family members of Members of Congress, Members of the House, Members of the Senate, making money—being paid, in some cases, very large amounts of money—while being employed by that can-

didate's PAC. Under present law, it is perfectly legal. It certainly doesn't pass the “smell” test in the hearts and minds of many Americans, but it is perfectly legal for a Member's campaign to hire a family member, a spouse, a child, any close family member—to help take care of the business of that PAC and be compensated for it, in some cases, with very significant salaries.

Let me say at the outset, I believe there are ways that could be done properly and ethically. The problem is, as is the case in so many of these questions, that there are also many ways where it can be and is and has been abused, so it basically puts a family member on the payroll of an entity that the Member of the House or the Senate controls. There is no real governing entity that polices the situation. No one knows whether that person shows up for work or for how many hours or how significant that work is. At the end of the day, through that family member, the family enjoys a significant additional income because that Member of the House or Senate is in politics and controls that PAC.

Again, this is not a theoretical problem yet to happen. This is not a solution waiting for a problem. This has been done in real life. This has clearly been abused in the past. It has clearly been a conduit for Members to gain family income through entities they control. I think, because of that abuse, because of the real erosion of public confidence we have seen in Congress because of abuses such as this over the last several years, there is only one sure and clean way to solve the problem and that is to simply have a bright-line test and say: Immediate family members can't get paid by the Member's PAC. We are not going to allow that. You have to hire a non-family member for these administrative roles so that no one can abuse the situation and put an immediate family member on the payroll, often at a very significant salary.

Again, my amendment is very simple. It says no immediate family member can be hired by the candidate's campaign or leadership PAC, and it defines immediate family member the same way section 110 of last year's Senate-passed bill defined that term, and that is son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother or stepsister or spouse. It is straightforward, a bright-line rule. To me it is very clear that is the only way we are going to stop this abuse that has occurred in the past and rebuild the confidence of the American people.

#### AMENDMENT NO. 7 TO AMENDMENT NO. 3

With that, if it is appropriate, I ask unanimous consent to lay aside that amendment and call up my third amendment at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.



The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 7 to amendment No. 3.

Mr. VITTER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Ethics in Government Act of 1978 to establish criminal penalties for knowingly and willfully falsifying or failing to file or report certain information required to be reported under that Act, and for other purposes)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . KNOWING AND WILLFUL FALSIFICATION OR FAILURE TO REPORT.**

Section 104(a) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting “(1)” after “(a)”;

(2) in paragraph (1), as so designated, by striking “\$10,000” and inserting “\$50,000”; and

(3) by adding at the end the following:

“(2)(A) It shall be unlawful for any person to knowingly and willfully falsify, or to knowingly and willingly fails to file or report, any information that such person is required to report under section 102.

“(B) Any person who violates subparagraph (A) shall be fined under title 18, United States Code, imprisoned for not more than 1 year, or both.”

Mr. VITTER. Madam President, this third amendment is also very clear and straightforward. It increases the penalties significantly in cases in which there is not just a mistake on a financial disclosure form but a knowing and willful and purposeful attempt to hide information that the Member knows is supposed to be made public under the law. It increases those penalties on the civil side, and it, also, under the appropriate circumstances, creates criminal penalties for that.

Again, I think this goes to the heart of the erosion of public confidence because of lobbyists and ethics lapses and abuses over the last several years which have clearly involved Members of Congress. Some are in jail now as we speak because of those abuses.

This is a very clear and necessary way to remedy those past abuses and that erosion of public confidence. I think it is very important that these penalties are serious on the civil side and on the criminal side but that they only apply to cases where there is knowing and willful misrepresentation, where there is an active and a clear attempt to hide facts, to not comply with the law. Clerical or other mistakes don't cut it. That is not worthy of these very serious civil and, in some cases, criminal penalties. But a knowing and willful misrepresentation, an active attempt to hide facts from the public that the law clearly mandates be made public, that is a different story. We need a zero tolerance policy for that.

Again, my amendment increases those penalties on the civil side and on the criminal side, and I urge all the Members of the Senate to support this

very important amendment to rebuild that credibility of this body and of the House.

In closing, let me say, again, I welcome this activity on the Senate floor. I welcome this debate. I compliment Majority Leader REID and all others who made this decision to put this issue front and center, first, on the Senate floor in the new Senate. I am eager to pass a strong, responsible bill to restore, to build up over time—it will not happen overnight—the confidence of the American people in our institutions.

Since I first came to the Senate, I have worked with various Senators, including a bipartisan working group on these issues, on these proposals last year. But I don't think we went far enough last year. Clearly, we didn't pass a bill through the entire process. But even the bill we passed through the Senate I don't think was strong enough. It did not address some of these crucial areas, including the Indian tribal campaign finance loophole, including the area of abuse where candidates and Members can put family members on the PAC campaign payroll, including making sure we increase civil and criminal penalties for knowing and willful violations.

My amendments will do this, and I urge all of my colleagues to take a good, hard look at them. Tomorrow, I will be introducing two, possibly three, other amendments, and I look forward to debating those as well. I appreciate the helpfulness of the managers. I look forward to coming back to these amendments to call them up for full debate and vote.

I yield my remaining time.

The PRESIDING OFFICER (Mr. Tester). The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I am happy to see the Senator from Montana presiding.

I am very pleased to speak about ethics and lobbying reform and the bill we will consider over the next week or so.

To start, what a pleasure it is to have a majority here that not only supports reform but recognizes the importance of dealing with this issue immediately in this new Congress. There is no better way to show the American people that things have changed in Washington and will continue to change than by taking up and passing strong ethics and lobbying reforms right away. I thank Majority Leader REID for making a decision to start our work in this new Congress with this issue. This is the right thing to do.

Ethical conduct in Government should not be an aspiration, it should be a given. For too long, the public has had to open the morning papers and read about how Congress is mired in scandal rather than about how we are going to deal with the really tough problems facing our country. We might wish that rules aren't necessary, but time has proven, over and over again, that they are. And once there

are rules, there seem always to be people who want to bend those rules or skate as close to the line as they can. And sometimes they fall or jump over that line. And so the rules need to be revisited and toughened, based on experience.

Just over a year ago, it looked like the Jack Abramoff scandal had finally lit a fuse under the Congress. Soaring promises were made that reform was on the way last year. Bills were introduced, hearings were held, and ultimately both the House and Senate considered legislation on the floor. But there was always a sense that what was going on was just a show. It was clear that many of those in charge wanted to change as little as possible. It seemed like the Republican leaders in the House believed that the public really didn't care about these issues. First they attached major campaign finance reform provisions to the bill the Senate passed, and then they let it die.

We found out on November 7 just how wrong they were. The new faces in this Senate are the direct result of the public's distaste for how the last Congress handled this issue, and many others. So now it is time for real action. And the public will again be watching closely to see how we perform.

We start our work today on S. 1, which is the same bill that the Senate approved last year, by a vote of 90-8. Last year, I was one of the eight. I thought the bill was too weak in some very significant ways. And so today, along with the junior Senators from Illinois and Connecticut, Senators Obama and Lieberman, I have introduced the Lobbying and Ethics Reform Act. This is our attempt to say what we think the Senate's final product should look like when we finish our work on S. 1.

I do not intend to offer this new bill as a complete substitute. Instead, I will seek to I have important provisions of this bill added as amendments to S. 1. I am happy to say that a number of the suggestions that we make in our bill have been accepted by the majority leader. Some are included in his substitute, which is the base bill for this legislation. Some very important additional improvements are included in the Reid first degree amendment. This is a very good start for this debate, to improve the bill right at the outset.

I take a few minutes as we start this debate to talk about some of the most important issues that we must address in this bill. First, we need an airtight lobbyist gift ban. No loopholes, no ambiguity. We took a first step towards banning gifts from lobbyists, including meals, tickets, and everything else, in last year's bill, but we left open a big loophole. If we do nothing else to improve last year's effort, we have to close that loophole.

I am not going to stand here and say that any Senator's vote can be purchased for a free meal or a ticket to a football game. But I don't think anyone can argue that lobbyists are providing these perks out of the goodness

of their hearts, either. At this point, no reform bill is going to be credible unless it contains a strict lobbyist gift ban.

No one has ever explained to me why Members of Congress need to be allowed to accept free meals, tickets, or any other gift from a lobbyist. If you really want to have dinner with a lobbyist, no one is saying that you can't. Just take out your credit card and pay your own way. I can tell my colleagues from personal experience that you will survive just fine under a no-gifts policy. The Wisconsin Legislature has such a policy and I brought it here with me to Washington. I don't go hungry. We need to just stop the practice of eating out at the expense of others. It is not necessary. It looks bad. And it leads to abuses.

I am happy to say that Senator REID agrees that the lobbyist gift ban is not a ban if organizations that retain or employ lobbyists can still give gifts. He is prepared to close the loophole in S. 1 that would allow that to continue. His amendment does that and I support it.

Another important shortcoming of S. 1 is in the area of privately funded travel. That was the issue that leapt to the fore when Jack Abramoff pled guilty just a little over a year ago. Abramoff took Members of Congress on "fact finding trips" to Scotland where they went shopping and golfed at St. Andrews. It was a scandal and Members of Congress were falling all over each other in a race to do something about it. But just a few months later, the Senate passed a bill that did almost nothing at all about it.

My staff keeps a file of invitations for fact-finding trips for staff. Here are a few from over the years. A "legislative issues seminar" on St. Michaels Island, sponsored by MCI World Com, with dinner at the Inn at Perry Cabin; a trip to Silicon Valley sponsored by the Information Technology Industry Council, with dinner sponsored by the Wine Institute; a "congressional field trip" sponsored by GTE to Tampa and Clearwater Beach. The invitation reads:

To take advantage of the terrific location beside Tampa Bay and the Gulf of Mexico, we'll demonstrate that you can place a cellular call over water, either while dining aboard a boat or fishing for that night's dinner.

These kinds of "fact finding trips" paid for by industry groups were left untouched by the bill the Senate passed. That was one of the reasons I voted against the bill.

Fortunately, the new House leadership recognized the need to do something about privately funded travel, even if they weren't prepared to prohibit it entirely. The House passed a rules change on the first day of the session to allow only trips sponsored by groups that don't employ or retain lobbyists. The only trips that groups that lobby can offer are to a one day event—to make a speech, for example. This is

a major improvement, especially because lobbyist participation in organizing, arranging, or planning these trips would be strictly limited.

There are many things that could be done about privately funded travel, but at the very least we should not have more lenient travel rules than the House of Representatives. Again, I am pleased that Senator REID supports the House travel rules and I hope we will adopt his amendment that brings us in line with those rules.

When I introduced my lobbying reform bill back in July 2005, it included a provision addressing the abuse of Members flying on corporate jets. At that time, I have to say, it seemed like a fantasy that we would actually pass such a provision. I heard complaint after complaint about it, that we shouldn't do it.

Slowly but surely, many people have come around to where the public is: Corporate jet travel is a real abuse. Sure, it is convenient, but it is based on a fiction—that the fair market value of such a trip is just the cost of a first class ticket. And when that fiction is applied to political travel, it creates a loophole in the ban on corporate contributions that we have had in this country for over a century. Any legislation on corporate jets must include campaign trips as well as official travel because one thing is for certain—the lobbyist for the company that provides the jet is likely to be on the flight, whether it is taking you to see a factory back home or a fundraiser for your campaign.

Our bill does that. It covers all of the possible uses of corporate jets, and amends all of the Senate rules needed to put in place a strong reform, and the Federal election laws as well. From now on, if you want to fly on a corporate jet, you will have to pay the charter rate. And these flights shouldn't be an opportunity for the lobbyist or CEO of the company that owns the jet to have several hours alone with a Senator. Our bill prohibits that as well. This is what the American people have been calling for. There are no loopholes or ambiguities here. Politicians flying on private planes for cheap will be a thing of the past if we can get this provision into the bill. Senator REID's amendment includes a tough corporate jet provision. I am pleased to support that portion of the amendment. This is a big deal, and I commend the majority leader for taking this step.

Another issue on which I hope we will make some improvements in this bill is the revolving door between between Government service and lobbying firms. One of the things that really sticks in the craw of the people back home is the idea that politicians use their government service as a stepping stone to lucrative lobbying careers. And they also believe, rightly in some cases, that former Members who are lobbyists have special access and influence over their former colleagues.

We have a criminal statute that prohibits former Senators from lobbying the Congress for a year after they leave office. The same tough provisions apply to top officials in the executive branch.

But experience has shown that these provisions don't really get at the problem. The cooling off period is too short. Our bill doubles it. And the cooling off period has become more of a warming up period for some Members of Congress who move on to work for an organization with interests in legislation. They basically run the lobbying show behind the scenes during the time they can't lobby their colleagues directly.

Is it too much to ask a Member of Congress who leaves office to take a 2-year breather before accepting money from an employer for trying to influence Congress? I don't think so. We are talking here about highly talented and highly employable people. There are so many employers, so many worthy causes, that would benefit from their talents and experience, doing things other than trying to influence legislation. Fortunately, the Lobbying Disclosure Act has a ready made definition of "lobbying activities" that is broader than lobbying contacts. Our bill's revolving door provision prohibits Members of Congress from engaging in lobbying activities for 2 years after leaving office, not just lobbying contacts. That would make the revolving door restrictions really mean something.

I believe that is what the public wants—restrictions that mean something, not rules for show, with hidden loopholes and not a system of rules with lax enforcement. That is why our bill includes the Lieberman-Collins proposal for an Office of Public Integrity to investigate ethics complaints and make recommendations to the Ethics Committee on whether to take action. It is certainly time that this proposal receive very serious consideration. We are on the cusp of making some very significant changes to our own rules. Let's not undermine what we are accomplishing by leaving unaddressed the very real need for tough and independent enforcement.

I also believe this bill must go further in addressing earmarks. Senator MCCAIN's bill, which I have cosponsored, includes a provision that would allow the Senate to strip out earmarks for unauthorized spending. This is an important reform and I hope it can be added to the bill.

Thus far, I have talked only about ethics rules, but the bill on the floor contains some very significant improvements to our lobbying disclosure laws as well. The current law, the Lobbying Disclosure Act, which was enacted in 1995, was itself a landmark reform, the first change in nearly 50 years to the original Federal Regulation of Lobbying Act. I was here when the LDA passed, under the leadership of the Senator of Michigan, Mr. LEVIN. It is an important and effective law.

A decade of experience has shown, however, that it has shortcomings. The

bill on the floor includes some important improvements. My bill incorporates those improvements and also adds some—requiring disclosure by lobbyists of the earmarks they try to get for their clients, and requiring lobbyists and lobbying organizations to file separate reports on their political contributions and fundraising. The use of campaign contributions as a lobbying tool is well known in this city and in this Senate. It is time that our lobbying disclosure laws reflected that. And we should cover all of the tools in the lobbyist's work bench, not just direct contributions but the collection or bundling of the contributions of others. Lobbyists wield influence by serving as fundraisers, not just be giving money themselves.

I have high hopes for this debate. After a false start last year, we can get this job done. The House has moved quickly to pass new ethics rules. It is our turn now. And we can lead the way with serious lobbying disclosure reforms. I am looking forward to working with my colleagues on both sides to start this Congress with a real accomplishment. If we do this, the public's confidence in how we tackle the many pressing issues before us will be greatly enhanced. That, in the end, is the best reason to undertake these reforms. They are the foundation on which the rest of our work together stands.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

(The remarks of Mr. BYRD are printed in today's RECORD under "Morning Business.")

Mr. BYRD. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask that Members know that the floor is open, that now is the time, and that hopefully they will file any amendment and come down forthwith and speak to them.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent to speak as in morning business for a few minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. LEAHY are printed in today's RECORD under "Morning Business.")

Mr. LEAHY. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PAY-GO

Mr. GREGG. Mr. President, I wish to speak briefly, not specifically on this bill, although it is related to this bill. I will have an amendment to this bill. Hopefully, I can offer that tomorrow. But since there is a lull in activities, I want to speak briefly on something the House has recently done as part of its 100-hour agenda. It has passed language which is euphemistically referred to as pay-go.

I think it is important to understand what the implications of that language are because it gives definition to the House leadership rather quickly in this whole process of where we are going in the area of fiscal responsibility as a country because what this language essentially does is guarantee tax increases, but it has virtually no impact on spending restraint.

It has been given this motherhood title "pay-go" when, in fact, it should be called and more accurately is described as "tax-go."

The implications of this language are pretty simple. It says that when a tax cut lapses or comes to the end of its term, that tax cut will be raised back to the original rate. So, for example, we today have a tax rate of 10 percent for low-income individuals. That tax cut was put in place back in the early 2000 period under the President's tax cuts. That tax cut comes to a close from a statutory standpoint—in the sense that the authorization level of the rate terminates in 2010—and that rate will jump back up to the basic rate, which I believe was 15 percent at the time. So there will be a 5-percent tax increase on low-income Americans who pay taxes. That would be people with over \$40,000 of income, for all intents and purposes. That is a tax increase.

One would think that type of mechanism would also be applied, if one is going to use a euphemism such as pay-go, to the spending side of the aisle, so when the spending program used up its authorized life—let's take, for example, the farm program—and it reaches the end of its term, as the farm program is about to do, at that point, that program, which is a subsidized program, would have the cost of the original program go back in place or it would be cut back to having no subsidy at all. But that is not the way it works.

Under the proposal, entitlement programs are perceived to go on forever and to spend money forever at whatever the rate is, even if their authorization ends. But tax reductions are perceived to end and tax rates are per-

ceived to go up. You basically treat the two sides of the ledger entirely differently. On one side of the ledger, taxes go up under this "tax-go" proposal if there is no change, and on the other side of the ledger, if there is no change, the entitlement spending goes on for that designated program forever without it falling back and being limited. There is no review of it.

The practical implication of this language is that the only thing it affects, when you put in place this so-called pay-go, which is really "tax-go," is the tax side of the ledger. That is the only thing that can be impacted because the entitlement program under the scoring mechanisms of our Government don't lapse, don't end. The spending is perceived to go on. So pay-go cannot apply to it. You cannot review the program. It is only on the tax side that it applies.

The effect of that is this is a mechanism to force a tax increase because what this basically says is without 60 votes, you cannot continue the lower tax rate. But on the entitlement side, you can continue to spend the money not subject to a 60-vote threshold. Those are two different approaches to the two sides of the ledger in the Congress.

So by taking this action in the House and passing this language, they have essentially said it is their goal to dramatically increase taxes, to use the mechanism of alleged pay-go, or "tax-go," to drive major tax increases on the American public.

If you are on the Democratic side of the aisle in the House, or maybe even on the Democratic side in the Senate, that may make sense; you may want to raise taxes. It is the tradition, of course, of the party to like to raise taxes, I guess. That is how they got the title "tax and spend" fixed to their nomenclature. But this is rather a brash way to do it; to start right out with the first major enforcement mechanism for budget, supposedly, restraint being a mechanism that doesn't reduce spending at all, doesn't restrain spending at all. All it does is force us to raise taxes or at least be subject to a 60-vote point of order if we want to maintain taxes at their present level.

Some may say: We need to raise taxes; the tax burden in America is not large enough on earning Americans, especially on high-income Americans. I fundamentally disagree. Why? Because when one looks at the present law and what is generated in revenues, we are seeing a dramatic increase in revenues in this country. Revenues have jumped in the last 3 years more than they have jumped in any period in our history. That is because we have in place a tax system which has created an incentive for people to go out and invest and undertake economic activity which has, in turn, generated revenues to the Federal Government.

Historically, the Federal Government revenues have been about 18.2 percent of the gross national product. That is

how much the Federal Government has historically taken out of our economy and spent for the purposes of governance. That is the average.

We are now getting back in tax receipts, because of these large increases over the last 3 years, close to 18.4, 18.5 percent of gross national product, so we have actually gone over what is the historical level of revenues to the Federal Government. We are generating more revenues than the Federal Government historically gets. That is good news.

It has been done in the right way, by the way. We have generated this extra revenue by creating an atmosphere out there where people are willing to invest in taxable activity. We have seen it over the years. In fact, President Kennedy was the first one to appreciate this, followed by President Reagan, and then President Bush. When you get tax levels too high—the American people are creative. We are a market economy with an entrepreneurial spirit, and when you raise taxes too high, people say: I am not going to pay that tax rate. I am going to invest in something that avoids taxes, some highly depreciated something that expenses items like municipal bonds, something that allows me to put my money where I don't have to pay that exorbitant tax rate.

What has happened, however, under the Kennedy tax cut and the Reagan tax cut and the Bush tax cut is when you get taxes at the right level, when you say to the American entrepreneur and American earner: We are going to charge you what is a reasonable tax rate on your investment, then the American people go out and they invest in taxable activity. That taxable activity generates jobs and jobs create growth. It also is a much more efficient way to have money used. You don't have money inefficiently being invested for the purpose of avoiding taxes. Money is instead invested for the purpose of generating activity, which is productive.

As a result, the entire economy rises, as has happened in the last few years, and you generate significant revenues to the Federal Treasury, as has happened in the last few years, and is projected, by the way, to continue—both by the CBO and OMB.

Some will say: Sure, but that doesn't point out the fact that the high-income people in America got a huge tax cut under this tax proposal. Remember, we are generating more revenue from this tax cut, more revenue than we got before. We had a down period. There are going to be a lot of debates about that. My view is it came out of the bubble of the late 1990s and the attack of 9/11 and the initial impact of the tax cut. But that has all been reversed to a point where we now have an economic situation where we are generating more revenues to the Federal Government than we have as an historical norm. So we are getting more revenues from this tax system.

Interestingly enough, the tax system is more progressive. It is the most progressive it has been in history. The American people with incomes in the top 20 percent are paying 85.2 percent of the Federal tax burden. The top 20 percent pay 85 percent of the tax burden. That compares to the Clinton years where the top 20 percent were paying 84 percent. So, actually, the top 20 percent are absorbing more of the tax burden of America, generating more revenues to the Government, and not only that but the bottom 40 percent of American income-earning individuals are getting more back than they did under the Clinton years, almost twice as much.

If you earn less than \$40,000 in America, you are receiving more back than you did in the Clinton years because of the fact of the earned-income tax credit—in fact, almost, as I said, twice as much.

We have a law now that is doing two extraordinary things: it is generating huge revenues to the Federal Treasury because of the economic activity it is encouraging—creating jobs, creating investment, creating taxable events—and it has created a more progressive tax system. That is the good news.

So why do we want to raise taxes? Why do we want to go back and raise taxes on that situation? I don't think we should. But if you follow the pay-go proposal that has been brought forward by the House, that is the only option that occurs as these tax policies start to lapse in the year 2010.

I would probably be willing to fight that fight. In fact, I am willing to fight that fight if we treated the spending side of the ledger the same way under pay-go, or under "tax go," as I call it, but we don't. As I mentioned earlier, because of the way the baseline works around here, the spending side of the ledger does not have to be looked at under the pay-go rules. You can continue to spend on those entitlement programs whatever is in their traditional spending patterns, whatever they are, plus increases as a result of more people using them. Granted, you can't create new entitlement programs. Those would be subject to pay-go. And you can't dramatically expand the programs. For example, the Part D premium would have been subject to pay-go—was subject to pay-go. But that is only a small portion of the spending issue. The real essence of the spending issue is the underlying entitlement, as is, of course, the essence of the tax side, the underlying rate.

What you have essentially done is create a mechanism which, because of the way we score spending versus taxes, causes taxes to be subject to a 60-vote point of order but does not cause spending to be subject to the same discipline. So the practical implications of it are that it will basically be used primarily as a force for forcing tax increases on the American people. That is almost automatically, by the way, because in 2010 these taxes that

are in place, these tax rate changes, lapse. Under the rules they will be subject to a 60-vote point of order and getting 60 votes around here for a tax cut, as we know, is pretty difficult.

This is the problem with pay-go as it is presently structured. Interestingly enough, the House has also done this in a way that doesn't even go to the traditional pay-go rules, which would involve sequester, as I understand it. They have done this outside the statutory process. They have done it as a rule and therefore the true enforcement mechanism against a new entitlement, to the extent pay-go would apply against a new entitlement, would be sequester.

What is sequester? It essentially says that either you offset the new spending with spending cuts somewhere or else you have an automatic event which does it for you across the board. That is the right way to do this. You should have a sequester. So the failure to get sequester as part of the exercise just once again shows that there isn't a seriousness of purpose in this rule as it was passed by the House relative to spending restraint. There is only a seriousness of purpose relative to making sure that taxes go up. You really can't defend that position unless you are willing to take the position that really what we are interested in is raising taxes because otherwise, to defend that position, you would have to say: Yes, but we didn't want it to apply to entitlement programs that already exist. And even if there is a new entitlement program we didn't want it to apply to that new entitlement program with any enforcement mechanism that might actually require us to cut spending. We will just sort of finesse that one. The only thing we really want this to be required to attach to is whether taxes go up in 2010.

So I do think it is ironic, if not a bit disingenuous, to have one of the first major items of principle upon which the House Democratic leadership is going to stand be that they want a rule that puts in place the requirement that we raise taxes. In my opinion, it shows there maybe is a superficial purpose relative to actually defending and controlling spending.

I have not been one to shrink from pointing out that my side has not done a great job on spending restraint. I have been rather definitive about that. But I do think that it is inappropriate to start this Congress with the statement that we are going to be fiscally disciplined and then claim that fiscal discipline is going to be hung on one rule. And that appears to be the only thing done over there on the issue of, as they say, "fiscal discipline," one rule which as a practical matter has no practical effect on spending restraint. None.

There are ways to correct this. There are ways to make this rule a statute. In fact, the Senator from North Dakota has proposed that. There are ways to make this rule apply appropriately to

restraining entitlements as well as restraining the issue of tax policy, if that is what you want to do. I might be inclined to support such a rule if it were balanced, if it said we are going to be as aggressive on the issue of spending restraint and entitlements as we are going to be aggressive on the issue of defining how taxes are applied, but that is not the case. That is not the case at all.

This is a rule that comes at us, that treats these two accounts differently and inappropriately in the sense that it treats one as apples, one as oranges, and then says we are only going to deal with the apples.

It is not good policy. For some reason, unfortunately, it has managed to take on a life of its own relative to this nomenclature—pay-go—so that there is almost a sacrosanctness to it. We had an idea around here for years called the lockbox which took on that same sort of sacrosanct concept even though it also was a bit illusory as to what it accomplished versus what it claimed to accomplish. This proposal has the same problem. It is illusory as to what it accomplishes compared to what it claims to accomplish. It does accomplish the raising of taxes. It does not accomplish the disciplining of the entitlement side of the spending accounts.

I understand that this matter is probably not going to be raised on our side until we get to the budget process. That may or may not be the right place to raise this issue because if you are going to do it statutorily, which is actually the way you should do it, the budget process can't accomplish that. But should we, and when we do approach this topic, I hope we can amend this in a manner which would allow us to have it play fairly so that we had apples on both sides of the agenda, both sides of the ledger, or oranges on both sides of the ledger, so that an entitlement program, when it reached its authorizing term, would have to be subject to the issue—not new entitlements, but the actual underlying entitlement. When you have a tax program, when it hits its authorized life, it would be subject to the same. That would be the right way to do it, but it is not the way the House did it, and it wasn't done that way intentionally.

I would like to think that it was just inadvertent that they left out entitlements, but it is not. They left it out because the driving thrust—and I think the reason it has taken on such a life of its own in the nomenclature—the driving thrust is to use this as a mechanism to basically attack the tax cuts of the early 2000 period. It is not an attempt to restrain the rate of growth of this Government on the entitlement accounts.

Why do we need to restrain the rate of growth on the entitlement accounts? It is very simple. The numbers are stark, they are there, and everybody agrees to them. By the year 2025, three accounts in this Government—Social Security, Medicare, and Medicaid—will

absorb 20 percent of the gross national product, 20 percent. By the year 2040 they will be absorbing almost 30 percent of the gross national product. If you recall what I said earlier—which I can understand that you don't because I have been going on for a long time—the revenues of the Federal Government are only 18.4 percent of the Federal gross national product. So, by 2025, because of the retirement of the baby boom generation, we will simply be unable to afford this Government unless we are going to radically increase the tax burden on all Americans, working Americans. It is pretty obvious to me you can't tax your way out of this problem. You cannot put a burden on the next generation of 22, 23, 24 percent of gross national product as being their tax burden because that means you deny them the ability to live a lifestyle like we are living. You deny them the extra dollars they would need to send their children to college, to buy their homes, to be able to do what they want to do with their life, because all of that money is going to go to taxes to pay for all the entitlements on the books which we have to pay for as a result of the retired generation.

You cannot tax your way out of this issue, even if we agree with the static models that say as you raise taxes, you get more revenue. I happen to not believe in that. We have proven with Kennedy, Reagan, and Bush cuts that does not work. Even if you were to accept you cannot tax your way out of this problem, you have to address the spending side of the ledger. That is why you have to have a real pay-go rule—not a tax-go rule, a pay-go rule—that actually does address the spending side of the ledger aggressively as it addresses the tax side of the ledger or you should not have the rule at all, because you are basically prejudicing us to move down the road of tax increases and not addressing the fundamental problem, the fundamental issue that is driving the problem our children will confront, which is they are going to get a country they cannot afford. Our generation is going to give them a country they cannot afford. That is not right for one generation to do to another generation.

There are ways to address this. There are substantive ways to address it. The Senator from North Dakota has been one of the leaders and now, as chairman of the Budget Committee, gets to be the leader—I welcome him to that role—in trying to come to some resolution on this whole issue of how you get to the balance between spending and taxes in the face of the human demographic, this huge retirement that will occur and the pressures it will put on our society.

We are getting off on the wrong foot if we simply say we are just going to do it on the tax side of the ledger. That is essentially what this proposal that came out of the House does. There are better ways to do it. There are better ways to structure the proposal. The

issue has to be addressed. It means as a society we have to address it. We simply cannot do it on the tax side of the ledger.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. LOTT. If the Senator from North Dakota will yield,

I wonder if we have any information that is available with regard to a vote or votes tonight that Members can be made aware of. Does the Senator from North Dakota have any information on that?

Mr. CONRAD. I do not.

Mr. LOTT. I understand Senator FEINSTEIN might have had some information she could provide on that. I know there are Senators waiting to hear the expected schedule for tonight.

Parliamentary inquiry: Are we still in debate on the underlying ethics and lobbying bill?

The PRESIDING OFFICER. It is the pending question.

Mr. LOTT. Mr. President, Senator FEINSTEIN is in the Senate.

If the Senator from North Dakota would yield briefly.

Mr. CONRAD. I am happy to yield so colleagues know plans for the evening.

Mrs. FEINSTEIN. Mr. President, through the Chair to the distinguished Senator from Mississippi, we have three amendments so far by Senator VITTER. They are being vetted with respect to committees. We are not at the present time prepared for a vote. My view is the likelihood of a vote tonight is remote. I have been in our cloakroom trying to learn if I can say there are no more votes. The closest I can come is to say the likelihood of a vote is not high. Does that help the Senator?

Mr. President, I very sincerely urge Members, please come to the floor if Members have amendments. Please file amendments. Please speak to your amendments. We will never finish this bill unless Members are here. The floor has been open all afternoon for amendments. With the exception of one Senator, there are no amendments before the Senate. I hope Members are listening. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DURBIN. I am sorry to interrupt my colleague. If I could ask the Senator to yield for a moment, through the Chair, I ask the Senator from California as the manager of this bill if she would have any objection if we made it official that there will be no votes further this evening.

Mrs. FEINSTEIN. I have been asking to do just that for 1 hour. Yes, of course.

Mr. DURBIN. I think we should do that in respect to schedules.

Mrs. FEINSTEIN. I respect the Senator for getting the job done.

Mr. DURBIN. Let us also encourage, admonish our colleagues that we will have some votes in the morning and get the bill moving. We want to get

this bill finished. We will stay in session next week until this bill is finished. It is better to frontload it with activity. That means if anyone has a serious amendment, come on down tomorrow morning because we would like to bring it to the Senate floor for consideration.

Mrs. FEINSTEIN. If I may, the Senator from Illinois is absolutely right. I made three appeals for amendments thus far. What I am concerned about is at the very end of the consideration of the bill, we will be flooded with amendments and not have the time to debate the matter. Now is that time. The Senator is absolutely correct. Hopefully we will both be listened to.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

PAY-GO

Mr. CONRAD. Mr. President, I come to the Senate to respond to my colleague, the Senator from New Hampshire, with respect to the issue of pay-go. People deserve to hear the other side of the story.

I say to my colleague from New Hampshire, who has left the Senate floor, that is one of the most creative presentations on pay-go I have ever heard. And very little of it matches the description I would give of pay-go.

The first thing I point out, the Senator from New Hampshire used to be a strong supporter of pay-go. In fact, this is what he said in 2002, 4½ years ago:

The second budget discipline, which is pay-go, essentially says if you are going to add a new entitlement program or if you are going to cut taxes during a period, especially of deficits, you must offset that event so that it becomes a budget-neutral event that also lapses.

... If we do not do this, if we do not put back in place caps and pay-go mechanisms, we will have no budget discipline in this Congress, and, as a result, will dramatically aggravate the deficit which, of course, impacts important issues, but especially impacts Social Security.

He was right. Now we have seen a dramatic transformation in his position. He was exactly right.

Look at the evidence. He said it would aggravate the deficits if we did not have pay-go. We can now look at the record. We have now been 6 years without effective pay-go discipline in this Senate. What has happened? The debt of the country has exploded. The debt is now \$8.5 trillion and it is headed for \$11.6 trillion under the budget plan our colleagues on the side opposite offered in this Senate.

They did exactly what he predicted almost 5 years ago without pay-go discipline. Deficits and debt have exploded, and increasingly this debt is being financed from abroad. In fact, it took 42 Presidents—all these Presidents pictured here—224 years to run up \$1 trillion of U.S. debt held abroad. This President has more than doubled that amount in just 5 years.

The absence of pay-go or effective pay-go is not the sole reason for this, but it is one reason. The Senator from

New Hampshire himself predicted that back in 2002. He said that pay-go requires a tax increase. Wrong. Pay-go doesn't require a tax increase. What pay-go does is say this: If you want new tax cuts, you have to pay for them or get a supermajority vote.

The Senator from New Hampshire then says, there is no spending discipline. Wrong again, because pay-go says you can't have new mandatory spending. Remember, mandatory spending is well over half of the budget: Medicare, Social Security—those are examples of mandatory spending. And pay-go says you can't have new mandatory spending unless you pay for it, or you get a supermajority vote.

The Senator from New Hampshire said to us that pay-go is a stalking-horse for tax increases. That is not true. Pay-go is a stalking-horse for budget discipline. He himself said as much 5 years ago.

The Republicans—at least some now—say that tax cuts are treated unequally because they do not continue indefinitely in the baseline. Why is that? It is because our friends on the other side sunset the tax cuts in order to jam more of them into a period of time.

Now they say, after they are the ones who constructed these sunsets, gee, there are sunsets on these tax cuts. Guess what. They are the architects of the sunsets. They are the ones who wrote the sunset provisions into the law. If they had not used reconciliation—which is a large word that simply means special provisions here to avoid extended debate—to avoid Senators' right to amend to put pressure on the Senate to act in a very short period of time, if they had not used those special provisions then, the tax cuts would be part of the baseline on an ongoing basis. They are hoisted on their own petard. That is the reality of what is occurring.

Now, the Senator from New Hampshire said there has been an explosion of revenue under their watch. No, there hasn't been. Last year we got back to the revenue base we had in 2000. It has taken all this time to get back to the revenue base we had then.

What the Senator is talking about is shown on this chart. Here are the real revenues of the United States, and we can see there has been virtually no growth since 2000. In 2000 we had just over \$2 trillion of revenue. They put in their tax cuts in 2001 and revenue declined. It declined more the next year. It declined more the next year. And it stayed down the fourth year. Only in 2005 did we start to get close, and only in 2006 did we get back to the revenue base we had in 2000.

Now, just because they cut the revenue base did not stop them from increasing spending. They increased spending 40 percent during this same period. The result was, as I have shown in the previous charts, an explosion of deficits, an explosion of debt.

Here is what happened to the deficits. Here they are. They inherited budget

surpluses. In 2002, we were back in red ink; in 2003, record deficits; in 2004, a new record; in 2005, one of the three worst deficits in the history of the country; in 2006, again, huge deficits. And here we are in 2007. This is a projection at about the same level as last year, actually somewhat worse.

But that doesn't even tell the story because, unfortunately, the buildup of the debt is far greater than the size of the deficit.

This was the stated deficit for last year, \$248 billion. But the debt grew by \$546 billion. We will never hear the word "debt" leave the lips of our friends on the other side of the aisle. We will never hear the word "debt" leave the lips of our President. Because they know these facts and I know these facts. The "debt" is growing much faster than the size of the deficit. It is the debt that is the threat.

As we have indicated, increasingly we are borrowing it from abroad. Last year we borrowed 65 percent of all the money that was borrowed by countries in the world. The next biggest borrower was Spain, at one-tenth as much as we borrowed.

The hard reality is, we are on a collision course because none of this adds up. The result is, we borrowed over \$600 billion from Japan. We borrowed over \$300 billion from China. We borrowed over \$200 billion from the United Kingdom. We have even now borrowed \$50 billion from our neighbors to the north in Canada. In fact, we now owe Mexico over \$40 billion.

Look, their fiscal prescription has failed—failed completely—and the question is, Do we change course? I believe we must. Part of changing course is to go back to the pay-go discipline we had in previous years. That pay-go discipline—and I want to repeat—says this very clearly: If you want new tax cuts, you have to pay for them. If you want new mandatory spending, you have to pay for it. If you do not pay for it, in either case you have to get a supermajority vote.

Let me just make clear on middle-class tax cuts, I believe we ought to pay for them to extend them, but even if you did not, there is no question you would command a supermajority vote on the floor of the Senate. There is no question that you would get 60 votes for the 10-percent bracket, 60 votes for childcare credits, 60 votes to end the marriage penalty. We know you would command 60 votes on any one of those. I personally think we ought to pay for it. But pay-go does not require that you pay for it if you can command a supermajority. What our friends on the other side are worried about are the outsized tax cuts for the wealthiest among us because they believe, and perhaps rightly, that you could not get 60 votes to extend those, which means you would have to pay for them, which, in the context of the growth of deficit and debt, probably makes perfect sense.



What is most interesting is the change in my colleague's position because, as I indicated, 5 years ago these were his statements. I will end as I began. Five years ago my colleague said:

The second budget discipline, which is pay-go, essentially says if you are going to add a new entitlement program or you are going to cut taxes during a period, especially of deficits, you must offset that event.

That is what pay-go does. That is exactly what he said 5 years ago. He was right then. He is wrong now because he has changed his position. He said then:

If we do not do this, if we do not put back in place caps and pay-go mechanisms, we will have no budget discipline in this Congress. . . .

He went on to say:

. . . and, as a result, we will dramatically aggravate the deficit which, of course, impacts a lot of important issues, but especially impacts Social Security.

The tragedy is, they gutted pay-go. They gutted it. And the result is precisely what he predicted at the time. The deficits and the debt have exploded.

What the House has tried to do and what we will try to do here is restore some basic budget discipline. Pay-go is one part of that. It is not the only part. It is not the salvation to our budget woes, but it is a tool that will help. It helped in the 1990s. It will help now. It does not require tax increases. That is just a false statement. It does not require tax increases. It says if you want new tax cuts, you have to pay for them or get a supermajority vote.

He says there are no spending restraints. Wrong again. In pay-go, it says very clearly that you cannot have new mandatory spending unless you offset it. And if you cannot offset it, you have to get a supermajority vote. That is the kind of budget discipline we need. That is the kind of budget discipline we have had in the past, and it led us from major deficits—in fact, record deficits at the time—to record surpluses.

To say pay-go is a stalking-horse for tax increases is just false. Pay-go is a budget process tool that is designed to help bring some discipline back to this body, to keep us from running up this massive debt. If you think about it, increasingly we are financing these deficits and debt abroad. Fifty-two percent of our debt now is being financed abroad. As a result, we have doubled foreign holders of our debt in just 5 years. That is an utterly unsustainable course.

What could it mean? Well, if these countries which are now advancing us hundreds of billions of dollars decided to diversify out of dollar-denominated securities, what would we have to do? We would have to raise interest rates in order to attract the capital to float this boat. That is what we would have to do. That would have very serious consequences for our economy. That is why we cannot continue on this course.

Pay-go is one part of the solution to these problems. It is only one part. I

would not even suggest it is the major part. What is really lacking around here is will. What is really lacking around here is telling the American people the truth about our fiscal condition, and only if we tell them the truth will they respond with the urgency that circumstances require.

I very much hope we are going to be truth tellers in this Congress and we are going to go to the American people and be frank with them about this buildup of debt and the risks it creates for our country and the fundamental challenge it presents to our long-term economic security. The one place I agree entirely with the Senator from New Hampshire is that the long-term entitlement programs must be reformed because we face a demographic tsunami: the retirement of the baby boom generation. Make no mistake, it is going to change everything. This is fundamentally different from anything we have seen before. And this is not a projection because the baby boomers have been born. They are out there. They are alive today. They are going to retire. They are going to be eligible for Social Security and Medicare.

The hard reality is, we cannot foot the bill for all the promises that have been made by past Congresses. The Senator from New Hampshire is dead-on on that issue, and he and I and others are going to work our very best together to try to address these long-term challenges.

I thank the Chair and yield the floor. I suggest the absence of a quorum.

THE PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, if you walked down the main streets of Oregon or Rhode Island or anywhere else in our country and asked what a secret hold was, my guess is that most citizens would have no idea what it was, or maybe they would think it is some kind of hairspray or maybe a smackdown wrestling move.

But the fact is that a secret hold is one of the most powerful tools that exists in our democracy. I and Senator GRASSLEY have worked for a decade to ensure that if a Senator puts a hold on a piece of legislation, they would have to do it in the open. They would have to do it in a way that was considered accountable. A hold in the Senate is, in fact, what it sounds like; it keeps a piece of legislation or an important measure from coming up. In some instances, it can affect millions of people and billions of dollars.

It would be one thing if a Member of the Senate, such as the Senator from Rhode Island or the Senator from Iowa, felt very strongly about something and they came to the floor and said: I am going to do everything I can to block it because I don't think it is in the public interest and I am opposed. That is one thing. It is quite another thing for a Senator to exercise the power and to keep something from even coming before this body in total secrecy. When he was asked why he robbed banks, Willie Sutton said, "That's where the money is." The reason I and Senator GRASSLEY have called for openness with respect to holds is we believe the secret hold is where the power is.

We particularly want to reduce the power of lobbyists who so often hot-wire, the way things work here in the Senate, to block everything through a secret hold that the public knows nothing about. Getting a Senator to put a secret hold on a bill is akin to hitting the jackpot for the lobbyists. Not only is the Senator protected by a cloak of anonymity but so are the lobbyists. A secret hold, in fact, can let lobbyists play both sides of the street. They may have multiple clients. They may have multiple interests, and they can figure out how to orchestrate a victory without alienating potential or future clients. This is one of the most powerful tools a lobbyist can have, and it is particularly powerful at the end of a session in the Senate.

We are delighted that the Presiding Officer, the new Senator from Rhode Island, is here. He will see what it is like at the end of a session. Suffice it to say that it is pretty darn chaotic. Measures and proposals are flying every which way, and through a secret hold you can keep something from ever being heard at all. What I was struck by when I had a chance to come to this distinguished body is that in a number of instances in the past, it has not even been a Senator to exercise one of these secret holds; it has been a member of a staff—a personal staff or committee staff—or somebody else. So what you have is this extraordinary power exercised by someone who doesn't even have an election certificate. I think that is an abuse of power, and that is what I and Senator GRASSLEY have sought to change.

We want to make it clear we are not trying to reduce the ability of a Member of the Senate who feels strongly about a measure to make sure they can weigh in and be heard on that particular concern. Under our proposal, you are not going to have the end of holds. In fact, last year, I put a public hold on something I felt very strongly about.

Mr. President, I am sure the Chair heard about it in the course of his experience over the last couple of years. I felt very strongly about protecting Internet democracy and making sure there wasn't discrimination against those who use the Internet. A piece of legislation passed the Senate Commerce Committee that, in my view,

would be very detrimental to Internet users. Right now, you pay your Internet access charge and you go where you want, when you want, how you want. Nobody faces discrimination. That would have changed under the bill that was passed by the Senate Commerce Committee. So I came to the floor of this body a few minutes after it passed committee, and I announced I was putting a public hold on that legislation because I wanted to do everything in my power to make sure that the Internet, as we know it today, would continue. So anybody who disagreed with me—and as the Presiding Officer knows, the cable and phone lobbies were spending millions and millions of dollars on advertising. They could tell who was accountable because while I was exercising my hold, everybody knew about it. It wasn't done in the dead of night, wasn't done by skulking around in a fashion where there was no way to hold somebody accountable. I came to the floor of the Senate.

I see my good friend, the distinguished Senator from Iowa. When he and I started working on this, he said: I am going to try this. I think doing public business in public is the way to go and, by the way, I don't think this is going to hurt. I don't think it is going to bite you. I remember the words of the distinguished Senator from Iowa because he and others have seen it. We have had a number of colleagues on both sides of the aisle join us in this effort, including Senator INHOFE, who has been a strong supporter, and Senator SALAZAR from Colorado, a strong supporter. It is almost as if there is a new openness caucus that has come together in the Senate behind the simple proposition that Senator GRASSLEY has stood for and that is that public business ought to be done in public. Senator GRASSLEY and I have worked for a full decade to bring this about.

We are very pleased that as a result of the bipartisan cooperation between the distinguished majority leader, Senator REID, and the distinguished minority leader, Senator MCCONNELL, it has been included in the legislation in the ethics bill before the Senate. Senator GRASSLEY and I know that no matter what you put into law, there will be efforts by some, we are sure, to try to find a way to get around it. But I will tell you that we have seen such an abuse of this practice in recent years, where Senators in secret can avoid any accountability at all. It seems to me that this legislation that is part of the ethics package that requires a Senator who weighs in on a measure to be held publicly accountable is long overdue. We have allowed, particularly through the help of the Senator from Maine, Ms. COLLINS, that it will be possible for Senators to consult on measures very easily.

Senator GRASSLEY and I have no intention of blocking the ability to conduct those consultations that give Sen-

ators an opportunity to learn more about a piece of legislation and work together on a bipartisan basis. But what we do feel strongly about is when Senators weigh in, when they make it clear they are going to block something, as I sought to do—and, fortunately, I was successful on the communications debate last year—when Senators weigh in and they want to block something that can affect, as that particular bill would have, billions of dollars and millions of people, then everyone ought to know who is going to be held accountable.

I see my good friend from Iowa. Similar to myself, he has put a full decade into this campaign for a new openness in the Senate, for more sunlight in the Senate. We will have to continue to prosecute our cause as the debate goes forward, and we still have a conference with the other body. I think the fact that this has been included as a result of the strong support of Senator REID, the majority leader, and the Senator from Kentucky, Mr. MCCONNELL, is a strong blow for the cause of open Government and accountability.

With that, I yield the floor and look forward to the remarks of my partner in this whole effort, the Senator from Iowa.

Mr. GRASSLEY. Mr. President, I compliment the Senator from Oregon, Senator WYDEN, for being a bulldog on this issue and working so closely with me. Besides complimenting him on his efforts, and finally being victorious on these efforts, it gives me an opportunity to say to the country at large, people who generally believe that everything done in Washington is done on a partisan basis, this is an example of where one Democrat and one Republican, working together, have been successful, and we have been working together. So everything in Washington is not partisan.

Also, I think it brings to a point that as far as the Senate is concerned, as opposed to the other body, the fact that this probably would not have gotten done if it had not been done in a bipartisan way. For things to be successful in the Senate, it takes some bipartisanship and the broader the bipartisanship the better. But also as a substitute for bipartisan opposition to what we are doing, our bulldogging this issue for a long period of time has proven to override the bipartisan opposition to it because when we put an issue such as this to public debate, common sense has to prevail.

Getting back to what Senator WYDEN quoted me as saying over the last several years, that the public's business ought to be done in public, that people who are surreptitiously trying to do things and then try to explain that to the public, the public is not going to buy into it. But the public does buy into doing what the public thinks Congress is all about, and that is being a very public body because we are representatives of the people.

I say those things aside from the merits of the issue. I cannot express

those merits for myself any better than Senator WYDEN has done. I don't intend to try to attempt to do that, but I will give you my version of why this is a very important issue. In doing this, I fully support everything Senator WYDEN has said, and I associate myself with those remarks.

As an extension of what he said, I will say for myself, every Senator does have a right and, if he or she is representing their constituents, ought to exercise this right to object to a unanimous consent request to bringing matters before the Senate that they might feel are detrimental to their constituency or detrimental to the good of the country. Of course, an extension of unanimous consent is putting a hold as a way of protecting that right.

Since Senators cannot be on the floor all the time, a hold is essentially a way of putting the leaders on notice that a Senator intends to object to a unanimous consent request to proceed to a matter. Of course, I have exercised, and the Senator from Oregon has said he has exercised, putting on holds for various reasons. For a long time, I have made my holds public by putting a very short statement in the CONGRESSIONAL RECORD of why I was holding something up, No. 1, because I think the public's business ought to be public, and, No. 2, because I am saying holds ought to be public, so it would be unethical for me to have a secret hold, and No. 3, people who disagree with my hold ought to have an opportunity to discuss with me why they think their position is right, and I ought to have a right to discuss with them why I think something ought to be changed in their bill or some reason I am holding it up, so one can talk and know they are getting together to solve the problem so the work of the Senate can be done.

Since I have done that, I have to say I fully support the right of Senators to place holds on items that they do not consent to consider. However, a Senator has no right to register an objection anonymously. That has not been that way for decades in the Senate because some Senators feel that the public good ought to require that sometimes things ought to be done in secret. I don't happen to agree with that thought. So I am taking the position that the public's business ought to be public.

If I could expand on that a little bit, I suppose there are some legitimate exceptions to it, but except for the privacy laws, except for national security and connected with that maybe our intelligence operation and maybe in the case of executive privilege—meaning people who are in the White House very close to the President—I think there is no reason for business not to be public. That is, 99 percent of the rest of the business that the Federal Government does, from my point of view, ought to be public.

In practice, a hold can prevent a measure from coming before the Senate indefinitely. This gives tremendous

power to a single Senator that no single Senator should be able to exercise for a very long period of time, maybe in the purist way—but in the less pure way should not be able to exercise secretly because the public's business ought to be done in the public.

There is no good reason why a Senator should be able to singlehandedly block the Senate's business without public accountability. For several years now, as I have said, I have practiced using holds for various reasons, but I placed a statement in the RECORD of why I was doing it.

We must have transparency in the legislative process for the right of the public to know what we are doing but also to expedite the public's work. The use of secret holds damages public confidence in the institution of the Senate. I figure a secondary, subsidiary benefit of what we are doing is when people get the idea that we are not trying to do something secret, that the public's business is public, they are going to be less cynical about the institutions of Government generally. The less cynicism we have, the more confidence people are going to have in the institutions of Government and the better our Government is going to operate, the better the representative system of Government is going to operate.

But where does less cynicism start? It doesn't start necessarily with changing the rules. It starts with people such as Senator GRASSLEY, Senator WYDEN, and Senator WHITEHOUSE because when we do things in the way the public expects us to do them and more Senators do that all the time, Senator by Senator we are going to reduce the cynicism and enhance public respect for the institutions of Government.

The purpose of the underlying bill before the Senate is to provide greater transparency in the legislative process. Therefore, the amendment by Senator WYDEN and this Senator from Iowa is a natural extension of that purpose. It is quite appropriate that this underlying bill include disclosure requirements for holds that he and I have been working on for several years.

In the process, we have to compliment Senator REID for including this in the underlying bill and Senator MCCONNELL, and I am not sure how they individually felt about this in the past. But I think it is very clear that with the vote we had last year—I think it was in the mid-eighties—of Senators who support what we are doing, it is a foregone conclusion that regardless of how leaders might feel about it, if they were on the other side, they were very much in the minority.

Realism finally comes through when we have consistency and determination, as Senator WYDEN has demonstrated and that vote demonstrates, and it is a tribute to our leaders that if they don't necessarily like what we are doing, that they have included it in their legislation. Obviously, I have to give thanks to them. I, also, give

thanks to Senator LOTT who, over a period of couple of years, has been working with us. I, also, wish to give credit to the President pro tempore, Senator BYRD, who a couple years back gave us some encouragement along this line.

I hope, now that everything is coming together, that within a few short weeks we can have a very open process of making holds public, bringing people together and producing results in the Senate because of one giant step we are taking here.

Doing away with holds might not sound like one giant step, but it is from the standpoint if you knew what the four-letter word "hold" does to the legislative process around here, it grinds everything to a halt—everything to a halt. Try to explain to your constituents back home that some Senator has a hold on a bill and try to explain that is why we can't get something done. They wonder what planet we come from. It is very difficult to explain.

We are still going to have holds, we still have to explain it, but at least I can say to people it is Senator SMITH or Senator Jones or Senator Wilson who has a hold on the bill, and I am going to talk with them and see what we can do about it and get something done.

I compliment the Senator from Oregon very much and hopefully the Senate is going to work better.

Mr. GRASSLEY. Mr. President, I wish to speak as in morning business for such time as I might consume, and for other Members, it will be in the neighborhood of about 25 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MEDICARE DRUG BENEFIT

Mr. GRASSLEY. Mr. President, I am back again tonight to talk about the Medicare drug benefit. As I said yesterday, the 110th Congress will consider legislation that would fundamentally change the benefit. The public and Medicare beneficiaries need to fully understand the proposed changes and how they would affect them.

When we talk about the public and Medicare beneficiaries, remember, for the most part, we are talking about the senior citizens of America and people who are on Social Security disability.

Yesterday I spoke about how the benefit uses prescription drug plans in competition to keep costs down and how well that has worked. Today I want to get to the crux of this debate, the so-called prohibition on Government negotiation with drugmakers.

Opponents of the Medicare drug benefit have twisted the law to come up with their absurd claim that Medicare will not be negotiating with drugmakers. They misrepresented the noninterference clause. The language does not prohibit Medicare from negotiating with drugmakers; it prohibits the Government from interfering in negotiations that are ongoing all the time.

So it is a prohibition on Government negotiating. It is not a prohibition on negotiation. It is very important because it is not the Government agency itself that is doing the negotiating. It is the private prescription drug plans that are doing the negotiation.

That may surprise some people who have heard about the so-called prohibition on negotiations. Of course, price negotiations occur on drugs provided to Medicare beneficiaries. Those negotiations occur between the prescription drug plans and the manufacturers. We have a precedent for this. The plans are run by organizations experienced in negotiation with drug manufacturers. They deliver prescription drug benefits to millions and millions of Americans—in other words, meaning millions and millions of Americans beyond senior citizens—and including this 50-year precedent of it being done for Federal employees through the Federal Employees Health Benefit Plans.

As I said yesterday, competition among the plans to get the best price is working. We have lower than expected bids and cost of premiums and lower than expected costs for the Government as a result. So not only is it saving the senior citizens money, as it has been saving Federal employees money for 50 years, but also lowering costs to the taxpayers because there is some subsidy for seniors in the Medicare prescription drug program.

Most importantly, we have lowered prices on drugs for beneficiaries. For the top 25 drugs used by seniors—so I am just taking the top 25 drugs used—the Medicare prescription drug plans have been able to negotiate prices that on average are 35 percent lower than the average cash price at retail pharmacies; 35 percent lower. The purpose of the prohibition on Government negotiation—in other words, getting back to what is referred to as the noninterference clause—is to keep the Government from undermining these negotiations that have been so successful and to keep the Government out of the medicine cabinet.

I have lost count of the number of times I have talked about this so-called prohibition that is not a prohibition on negotiations, because negotiations are going on every day. I am not easily discouraged and that is why I am here talking tonight on this subject. I prefer to debate more substantive issues, but unfortunately that is not the case. The debate that went on during the campaign, the debate that went on in some speeches on the floor in the last Congress, and the debate that will come here on the Senate floor in the next 3 weeks, is in fact a shell game. It is about distortion of the language of the law, it is about manipulation of beneficiaries and, in turn, the public, and it hinges on the convenient lapse in some people's memory about the history of this noninterference clause. What I want to do today is remind people about the history.

We are going to take a little trip down memory lane. For our first stop

on memory lane, let me take a second to read something to you. This is a quote from someone talking about their own Medicare drug benefit proposal.

Under this proposal, Medicare would not set prices for drugs.

Let me start over again because that first sentence needs to be emphasized:

Under this proposal, Medicare would not set prices for drugs. Prices would be determined through negotiations between the private benefit administrators and drug manufacturers. . . .

The person who said this clearly wanted private negotiations with drug companies for Medicare benefits. He was proposing, and I want to quote again from this person—and I am soon going to tell you who that is—

. . . negotiations between private benefit administrators and drug manufacturers.

So I am taking that quote out of the previous quote for a way of emphasis.

Negotiations would go on between private benefit administrators and drug manufacturers.

In other words, not involving the Government. So it could not be more clear what this person had in mind when he was proposing legislation a few years ago. You are going to be shocked to hear who said this. For those who thought President Bush said it, they are wrong. The quote is from none other than President Clinton. President Clinton made that comment as part of his June 1999 plan for strengthening and modernizing Medicare. President Clinton had in his idea, when we were going to strengthen and modernize Medicare with a prescription drug program, that we ought to have negotiations done by the private sector, not by the Government.

President Clinton went on to say that under his plan:

Prices would be determined through negotiations between the private benefit administrators and drug manufacturers.

Quoting further:

The competitive bidding process would be used to yield the best possible drug prices and coverage. . . .

And following the 50-year precedent I have been referring to, he went on to say:

. . . just as it is used by large private employers and the Federal Employee Health Benefit Plans today.

That is the end of the quote from President Clinton.

President Clinton also described his plan as using private negotiators because:

These organizations have experience managing drug utilization and have developed numerous tools for cost containment and utilization management.

This is a President whom a lot of people would believe, because he comes from the Democratic Party, has great faith in big Government, that he would not be suggesting these things. But when you have a precedent of 50 years of it working for Federal employees, he believed it was good enough to use

when you offer prescription drugs to the senior citizens of America.

Does this ring any bells? It should, because it is the same framework used in today's Medicare prescription drug benefit—and I had a hand, as a conferee, in writing that. Private negotiations with drug companies—and it is based on a nearly 50-year history of the Federal Employees Health Benefit Plan.

Here is another interesting spot on memory lane—if I could digress for a minute for the benefit of Members who keep ringing up about a doughnut hole—separate from the issue of pricing drugs and negotiating. I thought it would be good to remind people. The Clinton plan had a coverage gap as well. It had a doughnut hole, as we refer to it, like the bill eventually signed by President Bush in 2003. Like many others, the new Speaker of the House has questioned why one would pay premiums at a point in time when you are not receiving benefits. In other words, when you are in the doughnut hole. It happens in the private sector, in a lot of different insurances. That is how insurance works. Go look at any homeowner's policy and auto policy or even the Part B of Medicare. You pay premiums to have coverage, and that is also how President Clinton's plan would have worked if it had been passed in 1999 instead of 2003.

In Sunday's Washington Post, Speaker PELOSI was quoted on her thoughts about having a doughnut hole. She said:

How could that be a good idea unless you're writing a bill for the HMOs and the pharmaceutical companies and not for America's seniors?

Maybe she was referring to President Clinton's plan. As I said, President Clinton proposed this plan in June of 1999. On April 4, 2000, in a bill that is listed as S. 2342, the Medicare Modernization Act introduced here in the Senate, S. 2342 from that year, 2000, would have created a drug benefit administered through benefit managers. It even had the same title as the Medicare law that is now law. The Medicare Modernization Act is the title in 2000. It is the title of a bipartisan bill that is now law. So, here again, we have private negotiations with drug companies. It sounds familiar. It is like today's Medicare drug benefit.

Here is another important stop down our memory lane. This bill, which I referred to as S. 2342 previously, included the following language. "Noninterference," nothing in this section or in this part shall be construed as authorizing the Secretary to:

require a particular formulary or to institute a price structure for benefits; (2) interfere in any way with negotiations . . . or (3) otherwise interfere with the competitive nature of providing a prescription drug benefit through private entities.

This is the first bill, the very first one where the noninterference clause appeared. You could say it is the second time it appeared because it ap-

peared as a suggestion of President Clinton, but it was introduced the first time, and this was the language. But S. 2342 was not introduced by Republicans. It was introduced by my esteemed colleague and friend, the late Senator Moynihan. One month later there was S. 2541 introduced. I will read some language of that bill. Here I go to the first chart I have. I have four charts coming up.

(B) Noninterference . . . The Secretary may not—

(1) require a particular formulary, institute a price structure for benefits;

(2) interfere in any way with negotiations between private entities and drug manufacturers or wholesalers; or

(3) interfere with the competitive nature of providing a prescription drug benefit through private entities.

That wasn't a Republican bill, either. It was introduced by Senator Daschle, who was joined by 33 other Democrats, including Senators REID, DURBIN, and KENNEDY. For instance, 33 Senate Democrats cosponsored language for a bill that they now find not to their liking. I don't understand it. It turns out that the Democrats did not want Government interfering in the private sector negotiations, either. They recognized then that the private sector would do a better job. They recognized then what President Clinton recognized: something that had worked 50 years for Federal employees could be allied to senior citizens and Medicare as well and maybe do it better. And they didn't want the Government, some bureaucrat, messing it all up. At that time, they didn't want the Government in their medicine Cabinet, either.

In June 2000, two Democratic bills were introduced in the House of Representatives that also included the noninterference language. One was introduced by Dick Gephardt. That bill had more than 100 cosponsors, including then-Representative PELOSI, now Speaker of the House, but it also included Representatives RANGEL, DINGELL, and STARK. I want Members to know I worked very closely on some health issues with DINGELL and STARK, and I worked very closely with Congressman RANGEL on trade and tax issues.

That language included in H.R. 4770, introduced by Representative Gephardt and supported by more than 100 House Democrats, was almost identical to the language in Senator Daschle's bill. So we have 33 Senate Democrats, we have 100 House Democrats supporting the noninterference language.

Here is a chart with the text of the noninterference clause included in what is now Part D, the prescription drug part of Medicare, referring to it again under its official title, the Medicare Modernization Act.

It says:

(B) Noninterference—in order to promote competition under this part and in carrying out this part, the Secretary—

(1) may not interfere with the negotiations between the drug manufacturers and pharmacies and PDP sponsors; and

(2) may not require a particular formulary or institute a price structure for the reimbursement of covered Part D drugs.

It sounds exactly like what was introduced in the Democratic bill. If we compare this language to the Gephardt-Pelosi language, the Medicare Modernization Act provisions have 26 fewer words. Compare it to the Daschle-Kennedy noninterference clause—the Medicare Modernization Act has 10 fewer words. It sounds as if sponsors of those bills were pretty concerned about the potential of Government interference.

Last week, the senior Senator from Illinois described the Medicare law enacted in 2003 as being written by the pharmaceutical industry. But the noninterference clause first appeared in legislation introduced by Democrats who now oppose the same provision that is law.

Since the opponents of the Medicare drug benefit always say that the noninterference clause is proof that the drug industry wrote the law, my question is, If that is what you think, did the pharmaceutical industry also write the bills that you had put in over the previous years going back to the bills I have referred to that were introduced by Democrats? I bet you wonder just how many Democratic bills contain that now infamous “noninterference clause”—the prohibition, in other words, on Government negotiating.

I have a timeline. As this chart shows, the prohibition on Government negotiation—the noninterference clause—has been in seven bills by Democrats between 1999 and 2003. That is in addition to the point I make clear of where the last Democratic President was on this subject: right where the law is today. Seven bills, including the bill introduced in the House on the same day as H.R. 1, which is now the law.

First it was in the Moynihan bill in 2000. There was a Daschle-Reid-Kennedy bill. That was followed in the House by a bill introduced by Representative ESHOO and then the Gephardt-Pelosi bill which has Representatives RANGEL, DINGELL, STARK, and our colleague who then was in the House, Senator STABENOW now, as a cosponsor. Representative STARK then had his own bill, and the senior Senator from Oregon introduced his bill in the Senate.

Finally, in the House, Representative Thomas introduced a bill. I know what the response will be. It will be that even though Democratic bills had nearly exactly the same noninterference language, practically word for word in seven bills over a long period of time, opponents now think that approach is no longer best for Medicare. It is sort of like we supported it before we opposed it.

Mr. DURBIN. Will the Senator yield?

Mr. GRASSLEY. Of course I yield for a question. We very seldom get a chance to debate. That is a welcome opportunity.

Mr. DURBIN. I notice that my friend and colleague from Iowa has been in

the Senate for the last several days talking about Medicare prescription Part D, which he played a major role in creating. I know he feels the program as passed into law should not be changed—or at least not along the lines many suggest. However, I ask this question: Does the Senator believe that the current program at the Veterans' Administration which allows that agency to bargain for bulk discounts on behalf of our veterans to reduce the prices of the drugs they buy for our veterans is a good policy?

Mr. GRASSLEY. In the sense of what we can afford for veterans, we ought to think in terms of that we cannot afford enough for veterans who put their lives on the line.

When we have appropriated accounts, there are some limits, as opposed to an entitlement such as Medicare, but it is not as good as what seniors have under this because there are several therapies the Government will not pay for under the veterans program we pay for under Medicare. From that standpoint of the quality of the program, based upon the therapies that are available, it is not as good as what we have in Medicare.

Mr. DURBIN. Would the Senator acknowledge the fact, though, that the Veterans' Administration, because it can bargain on behalf of all veterans and obtain bulk discounts, saves money not only for the veterans who are provided with these drugs but also for our Government; that the pharmaceutical companies, anxious to provide drugs to millions of veterans, will give bulk discounts that will benefit both the Veterans' Administration and the veterans?

Mr. GRASSLEY. The answer is yes. But you get back to the person who came to one of my town meetings and said: The doctor said I ought to have this prescription. Why won't the Veterans' Administration pay for it? I have to have this one, according to the Veterans' Administration, and there is some way it affects me that the other one wouldn't.

We have to take that into consideration as well. Yes, bulk discount gets drugs cheaper, but the Government is not going to pay for every drug. You are going to have the bureaucrat in the medicine cabinet of the veteran, and the bureaucrat is not today in the medicine cabinet of the senior citizen.

You also have to realize that, in addition to the VA having a limited formula, they also do not have the availability of the drug in the pharmacies the way we provide in this Medicare Program.

Mr. DURBIN. Would the Senator from Iowa acknowledge the fact that under the current Medicare prescription Part D, if a senior citizen in Iowa or Illinois signed up for a specific program, there is no guarantee the formulary they signed up for today will be available to that senior next month or even next year? So if the Senator from Iowa is concerned that the VA can't guarantee all drugs, the current Medi-

care prescription drug Part D Program does not guarantee the formulary. The formulary can literally change by the month, and a senior can find that a valuable and important drug they signed up for is no longer covered.

Mr. GRASSLEY. If you want to say for a period of a year or beyond a year, the answer is yes, but for 12 months, no. But also remember that every year the Secretary of Health and Human Services has to approve these plans, and there are certain basic needs they have to meet. One of those basic needs that is in the law that is not in the VA program is a requirement that every therapy be available.

Mr. DURBIN. I say to the Senator from Iowa, it has been my experience, working with my seniors, that every plan does not offer every drug.

Mr. GRASSLEY. That is true, but every therapy is available.

Mr. DURBIN. That is the same situation the VA faces. The VA may say to that veteran: We believe you should have a generic drug. The veteran may prefer a brand-name drug which is more expensive, but the plan provides the therapy through a generic drug. So in that way, it parallels what the Senator is describing under Medicare prescription Part D.

What I am suggesting, what we are suggesting on this side of the aisle, is not to foreclose the possibility that private plans will continue to offer options under Medicare prescription Part D. What we are trying to add is something that was debated at length and rejected when the bill was written; that is, to allow Medicare as an agency, as a program, to offer its own prescription drug program for seniors, to bargain with pharmaceutical companies to find the lowest prices possible and then allow the seniors to make the choice: either take the Medicare approach or take a private approach. It gives more choices, not fewer.

Mr. GRASSLEY. Mr. President, I say to the Senator, I want to comment on the first part of what he recently said; that is, that what you say is true in regard to plans changing what drugs can be offered. We require that every therapy be available, but you are right, not every drug is available. And you want what the VA has because it might be better.

Now, let me point out then why our program is better. In the VA, 30 percent of drugs are covered, 70 percent not covered. In our program, if a senior finds him or herself in a plan where at the end of the year it has changed, they have choices of several plans to go to. The VA does not have that choice. There is no place a veteran can go. There is no place my constituents could go when they came to me and said: Why don't you cover this drug? My doctor says I need it because of what it does to me that the other one won't—or just the opposite.

Mr. DURBIN. If I could say to the Senator from Iowa, I have found my veterans to be very happy with the VA

program. It is a very affordable program.

Mr. GRASSLEY. I have, too, so I agree with the Senator.

Mr. DURBIN. It is growing dramatically in size, which suggests more veterans are using it. But going back to Medicare Prescription Part D, we are not suggesting that Medicare offering its own program as an option is going to be mandatory on seniors. It is still their decision whether they want to use the Medicare approach—which we are supporting on this side of the aisle, which allows for these discounted drugs—or if they feel a private plan is better for them, better for their needs, better for their pocketbook. It is just a consumer choice. But that choice is not available today.

Medicare cannot offer to the seniors, under Medicare Prescription Part D, an option. What is wrong with Medicare offering that option and competing with these private insurance companies?

Mr. GRASSLEY. Well, can I ask a question without answering the Senator's question?

Mr. DURBIN. Certainly. Of course.

Mr. GRASSLEY. Because I was very joyful the Senator was coming out here. I saw him come out. I probably irritated him or something.

Here is what I was hoping we would be debating. Because the whole point of the last 2 days is: From President Clinton in June 1999, all the way through bills that the Senator's party introduced in 2003, we had the noninterference clause in it. I want you to know I felt very comfortable adopting a Democrat noninterference clause in my bill that is now law, and I was hoping the Senator was going to come out and give some justification why his party—mostly in his party; there were some on our side who would agree—why his party would change its mind after President Clinton thought that what we have been doing for 50 years was working so well in the Federal Employees Health Benefit Program that he wanted to do it. And he said you get lower drug prices by doing it that way.

Several bills—I think I said seven bills—introduced by Democrats had the same principle in it. And now you don't like it. I don't understand why. I was hoping that was why the Senator came out to debate.

Mr. DURBIN. Mr. President, I would say to my friend from Iowa, that is why I was asking the questions because I think the questions get beyond the word “noninterference” into the reality of the choice we are suggesting.

I do not believe it is an interference to the rights of seniors eligible under Medicare Prescription Part D to give them an additional choice. And that is all we are asking: Allow Medicare to offer to the seniors another choice. They can reject it. They can accept it. I do not think that is mandatory or interfering.

I think, frankly, that a free-market Republican such as my good friend

from Iowa would grasp that as a good option. It means the private insurance companies would then have to do their best to compete with Medicare. If Medicare offers a better plan, seniors can take it. If it does not, they can take private insurance options that are currently available.

Mr. GRASSLEY. If it is a good idea, I think the Senator from Illinois would do the consumers more good by offering a Government program to compete with Wal-Mart, maybe.

Mr. DURBIN. I would say, when it comes to the Medicare program, we know this was created by the Senator's committee. And I salute him for his leadership. But it is in fact a Government program. In fact, it is a program that is subsidized by our Federal Government. It is not just allowing little, private entities to compete. We provide a subsidy to them. We have constructed a plan which has a doughnut hole where there is a period of no coverage. We have constructed an approach that some seniors find very hard to understand. But regardless, it is a Government creation. What we are suggesting is a Medicare option is not unreasonable. It still leaves the final choice in the hands of the seniors. They make the final choice what is best for them, what is best for their family, and what is best for their budget.

Mr. GRASSLEY. Mr. President, I think I have to give a bottom line and say it is working. Or if that is not good enough for you—after 2 years—that it is something that is working, it is something that is needed, it is something that Republicans got passed. And we did not get it passed without Democratic help, thank God—it was bipartisan—otherwise we would not have gotten it done. But for 4 years we were waiting for something to happen on your side of the aisle. It did not happen.

So could I end by saying one thing? In case my word is not so good, I would quote from the LA Times. It is in response to what the Senator said about the VA program. And I do not have any problems with the VA program. But it says here:

VA officials can negotiate major price discounts because they restrict the number of drugs on their coverage list. In other words, the VA offers lower drug prices but fewer choices.

Now, do we want to give the seniors of America fewer choices? I think you do. The route you are going, that is where you are going to end up.

Mr. DURBIN. Mr. President, I would say to the Senator from Iowa, it is true that the VA formulary for eligible drugs is a more restrictive list. I do not know if that will be the same case when Medicare—if they are allowed to—offers an option. But ultimately the choice is in the hands of the seniors. If they think the formulary that is offered by Medicare is too restrictive, they do not have to choose it. It is their ultimate decision. It is the con-

cept of freedom. And I know the Senator from Iowa embraces that concept. I hope he will consider our approach.

Mr. GRASSLEY. So I cannot attribute this specifically to the Senator from Illinois, but the Senator is talking about choice now, and if there is anything people have choice on, it is all the plans that are available. But from your side of the aisle, starting in 2004, all I heard was there was too much choice, too much choice, too many plans.

So I do not know for sure if you and your party know where you are coming from, whether choice is OK, how much choice is OK. Maybe you are leading us down the line where we are going to end up, if you get too much Government interference, we will not have choice.

Mr. DURBIN. I would say to my colleague, when it comes to this issue, my experts are pharmacists. Just like so many towns in Iowa, there are many towns in Illinois where the drugstore pharmacy is a community center, and people come to trust their druggist, trust their pharmacist. What I did, as Medicare Prescription Part D came on line, was to visit those drugstores and sit down with the pharmacist. And I will tell you quite candidly, many times they were dealing with seniors who had reached a point in life where a lot of information was difficult to evaluate, and they had to work with their pharmacist to find the best option.

So if there was a criticism on our side, it was the fact that there was so much information being given to seniors with a limited amount of time to make a decision. I think the Senator from Iowa would concede that some seniors needed the help of family members or pharmacists or counselors at senior centers to help them make this decision.

But on the final analysis, I hope the Senator will be open to the concept that if Medicare offers an option, it is just another choice for seniors. Take it or leave it. It is still ultimately their decision.

Mr. GRASSLEY. Mr. President, let me suggest to you that the committee that has jurisdiction over it, which I am no longer chairman of, has a tradition of trying to work through things. I want you to know I am committed to looking if there are better ways of doing it. But I think it is pretty difficult to argue with a program that has come in with senior citizens, by 80 percent in more than one poll, saying they are satisfied and, secondly, a program—what Government program have you ever seen come in without big cost overruns?

This one has come in now with the latest projection by CBO that it is going to cost \$189 billion less than we anticipated it would cost. And we got lower Federal costs. We got lower premiums for the seniors. We got 35-percent lower drug prices for the 25 drugs most used by seniors. We got lower



State costs, because the States do not have to pick up the duel eligibles as they used to.

There is something good coming out of the discussion the Senator and I are having. If we would have had this discussion 3 years ago, you would have said what we were doing was going to bring holy hell and not do any good and it would never work. At least now there is some acceptance of the program. So maybe with a little bit more dialog we will come around to the point where you are saying: Maybe, Senator GRASSLEY, you were right.

Mr. DURBIN. Mr. President, I am always—in fact, I have been quoted in your campaign literature sometimes saying nice things about you.

Mr. GRASSLEY. I noticed you have not said that so I can quote you again.

Mr. DURBIN. I am being very careful this time around. And I would be happy to acknowledge you are my friend and a great leader, and you have done a great job here. And put it in your next brochure if it will help.

But I want to close by saying thank you for this dialog. It is rare on the floor of the Senate, and we need more of it. I would say, when it comes to perfect laws, I think aside from the Ten Commandments, most laws could stand an amendment or two. So I hope you will be open to the possibility of improving Medicare Prescription Part D.

Mr. GRASSLEY. Remember, the bill you want to amend is a bipartisan bill. Remember that.

Mr. DURBIN. I thank the Senator.

Mr. GRASSLEY. I thank you.

Mr. President, I want to finish my remarks. I am not sure finishing my remarks can be more valuable than what we just had here in this sort of discussion. But I think when the Senator came in, I was kind of needing the other party a little bit with a statement like all of this business of Democrats introducing this noninterference language, and my copying it, thinking that was the right thing to do, was the bipartisan thing to do, that now they are backing off of it, as you can see by the recent exchange I had with my friend from Illinois, that it is sort of for the Democrats like: We supported it before we opposed it.

But I want to recap. When Democrats controlled the Senate, their bills took the same approach and had basically the same noninterference language—the same prohibition on government negotiations. Looks like my colleagues across the aisle yielded—and perhaps against their own better policy judgment—to take the opportunity to make political hay by demagoguing what seems like a reasonable proposition. That proposition was that Government, with all those Medicare beneficiaries in the Medicare program, should negotiate lower prices for drugs. In reality, it is nothing but an appealing sound bite.

After the Medicare law was enacted, opponents distorted the meaning of the language and vowed to change it. They

have now demagogued on this issue for 3 years. They had all that time to prepare their proposals. What has been introduced to date? The bill introduced in the House to address the so-called prohibition has been described as “not as far-reaching as the new majority indicated before taking power.”

The Senate bill is a nonbinding sense of the Congress resolution as a placeholder with no details. I understand that some bills are introduced as markers pending further development. I have done that myself. But 3 years of talking about this issue, talking about what is wrong with the noninterference clause, and there still is no more substance behind the proposal than that?

One of the questions I should have asked the Senator from Illinois is, please describe to me how it is going to work if you take out the noninterference clause. I have never had anybody tell me that. Something like, let's do it a little bit like the VA, but the HHS is not the VA. So how is it going to be done? Somewhere along the line they are going to have to tell us.

In fact, the USA Today editorial page recognized the lack of substance when they wrote in November that House Democratic aides couldn't provide any details on their party's proposal. This is after 3 years of their finding fault with what is law.

It makes me wonder if people who led the charge against the so-called prohibition on Government negotiation truly ever did change their minds about this provision. There was actually a surprising level of agreement among Democrats and Republicans that the private sector would be able to do a better job of tough negotiation with drug companies than the Government could ever do. We had all seen the same history of the poor job Medicare does setting prices on almost anything, whether it is hospitals or whether it is wheelchairs. Everyone from President Clinton to Mr. Gephardt to Speaker PELOSI to the senior Senator from Oregon, recognized that at the time when they put their names on legislation.

The same USA Today editorial referred to opponents' plans to change the law as “more of a campaign pander than a fully baked plan.” Maybe the opponents finally realized that themselves.

I believe beneficiaries and the public deserve more than that. That is what the debate is going to be all about. But they are going to have to sell their point.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for a period of up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ANTONIO POMERLEAU, AN AMAZING VERMONT

Mr. LEAHY. Mr. President, one of the most amazing citizens of our remarkable State of Vermont is Antonio Pomerleau. Most people know him as Tony Pomerleau. My wife Marcelle and our children know him simply as Uncle Tony.

Tony and his wife Rita have been among the most generous contributors to the well-being of families in Vermont of anyone I know, and he did not come from a wealthy background. His parents, my wife's grandparents, came as immigrants to the United States from the Province of Quebec in Canada. Nonetheless, he and his wife Rita raised a family of 10 and also faced the tragedy of losing two beautiful daughters. Throughout it all, he has retained his position as a leading citizen of our State but even more so as an example to all of us.

Shortly before Christmas, Tony was named *Vermont* of the year by our State's largest newspaper. With pride, I ask unanimous consent that the editorial about our Uncle Tony be printed in the RECORD so everyone throughout our great country can know about him.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, Dec. 24, 2006]

#### TONY POMERLEAU, VERMONT OF THE YEAR

He's 89 years old and still going like the Energizer bunny, his family says.

Tony Pomerleau.

People know his name in this state. And those who know the man consider themselves fortunate.

He is Santa Claus to countless children, the festive, white-haired gentleman who has thrown a big party every Christmas since 1982 for hundreds of children and their families who might not be able to afford a celebration of their own.

He is Mr. P, the delightful, generous soul who added a holiday party for families of the Vermont Army National Guard in 2004. It was a huge lift for the 800 or so people who attended, and he did it again in 2005—and again this year, opening the doors to all Guard families, with special attention paid to the families of about 120 Guard members who are still deployed.

Everyone is welcome. Everyone has a seat at Antonio (Tony) Pomerleau's table.

It's Pomerleau's giving spirit that makes him so deserving of the honor of *Vermont* of the Year. His steadfast commitment to Vermont and the people of this state make him a fine choice.

As Robert Perreault of Hardwick said in his nomination letter, “He is extremely generous with his time, ideas and money, to implement programs that have helped people, especially the children and our Vermont Guardsmen and their families.”

Pomerleau's niece, Marcelle Leahy, wife of Sen. Patrick Leahy, encouraged her uncle to play a role in helping the Guard families with whom she was working through the Guard's Family Readiness Group. Pomerleau was more than happy to do it.

It doesn't take much for Pomerleau to be persuaded to share his good fortune with others. He "came up the hard way," his son Ernie said last week. Tony Pomerleau has been there.

He was the third child of Ernest and Alma Pomerleau, a hardworking French-Canadian couple who decided to try their chances across the border in Vermont. When Pomerleau was 6 months old, the family moved to a dairy farm in Barton, according to an unpublished biography the family has put together.

As a child, Pomerleau was touched by two formative incidents. First, he fell down the basement stairs at age 3 and was forced to wear an iron corset. Doctors feared his life would be shortened.

"He wasn't supposed to live beyond 12 years old," Erie Pomerleau said. "And here he is, 89 and still going strong."

The second incident, according to the family biography, was something of a miracle. Alma Pomerleau took her son, age 10, to Ste. Anne de Beaupre in Quebec—the shrine that is covered in crutches and other medical aids left behind by countless others who believed they were cured.

Alma removed young Tony's iron brace, and they returned home to Vermont without it. Her son was fine.

"Of course it was a miracle. It was my mother's prayers," Pomerleau said in the biography.

And so Tony Pomerleau gives back. He gives and gives, according to the families, charities, schools and organizations that have been touched by his spirit.

There's the renowned annual party, organized by the Burlington Parks and Recreation Department, and paid for by Pomerleau. Now there's also the Guard party. There is St. Michael's College in Colchester, where Pomerleau, received an honorary doctorate after years of contributing to the campus. There is Burlington's Church Street, which he helped rejuvenate in the 1950s. There is the Burlington Police Department, where Pomerleau was a longtime police commissioner. He bought the North Avenue building for the police headquarters and has provided ongoing support for the officers, such as laptop computers for their patrol cars. There are the scholarships at Rice Memorial High School, the renovations at Christ the King Church, the trips Pomerleau has funded for Burlington schoolchildren, and the regular donations to the American Red Cross, United Way of Chittenden County and the Salvation Army.

Pomerleau started his entrepreneurial life as a child, soon after he shed that iron brace. He sold haircuts and canaries. He washed cars, ran errands and helped his family in their general store in Newport. In 1942, after working for a national shoe store chain up and down the East Coast, he decided to settle in Burlington where he bought a failing grocery store. Within three years, he owned four stores and a wholesale beverage business. In 1951, he started his real estate career and by age 45, he was a millionaire. Pomerleau built Vermont's first shopping center in the 1950s, the Ethan Allen Shopping Plaza, and then developed about 20 more.

He has lived large, and the beautiful Greek Revival building on College Street that houses Pomerleau Real Estate is a testament to that life.

Through it all, Pomerleau's wife, Rita, and 10 children, two of whom have died, have been his main focus. Pomerleau is also the proud grandfather of 13.

In many ways, Tony Pomerleau remains the optimistic boy who left his iron brace behind at Ste. Anne de Beaupre.

"Someone asked him the other day when he was going, to retire," son Ernie said. "And he said, 'When I get old.'"

Never get old, Mr. P. We like you the way you are.

#### HONORING PRESIDENT GERALD FORD

Mr. HATCH. Mr. President, even as we usher in a new Congress, Americans have said farewell to one of our Chief Executives, President Gerald R. Ford. President Ford was a man of character and integrity, a leader of hope and purpose. I hope and pray that the outpouring of support for President Ford in recent days will be a source of comfort and strength for his family and especially for his beloved wife, First Lady Betty Ford.

The people of Michigan's Fifth District loved their Congressman Jerry Ford. They sent him to the House of Representatives 13 times, by large margins. In fact, Congressman Ford's reelection percentages over nearly a quarter century did not vary by more than a few points. His constituents supported him as he served them, consistently and solidly.

It is easy to see why his constituents felt such a connection with him. Jerry Ford grew up in Grand Rapids, MI. He achieved the rank of Eagle Scout and, in high school, joined the honor society and was named to all-city and all-State football teams. At the University of Michigan, he played center on two national championship football teams and was named most valuable player in 1934.

Early in life, Jerry Ford's values and basic good sense helped him see past the excitement of the moment. He passed up opportunities to use his athletic prowess for the Detroit Lions and Green Bay Packers and instead decided to coach boxing and football at Yale University, where he realized his goal of attending law school. He returned to Grand Rapids to begin practicing law and, after serving in the Navy during World War II, returned again to practice law and seek election to Congress in 1948. Somehow in all that activity, he found time to court Elizabeth Bloomer. She must have been a very understanding woman because he even campaigned on their wedding day. President Ford would later say that his most valued advice was that which came from his wife. They spent 58 years together and had four wonderful children.

The qualities that endeared Congressman Ford to his constituents also inspired trust in his colleagues in the House, who elected him Republican Conference chairman in 1963 and then Republican leader in 1965. In fact, Congressman Ford was so well regarded that President Lyndon Johnson named him to the Warren Commission which investigated the assassination of President John F. Kennedy, and President

Richard Nixon tapped him to replace the resigned Vice President Spiro Agnew.

Gerald Ford loved the House of Representatives, and his personal political goal was to become Speaker of the House. He declined invitations to run for the Senate and for Governor. Ironically, while the Republicans' minority status kept him from leading that Chamber, his appointment as Vice President allowed him to become President of the Senate.

The Ford Presidency was brief, just 29 months long, but broke significant new political ground. He was the only occupant of the Oval Office who was never elected either President or Vice President. Former New York Governor Nelson Rockefeller's appointment as Vice President meant that, for the first time in American history, neither of the Nation's two top officers had been elected to either office. The Ford and Rockefeller appointments were the first handled under the procedures established by the 25th amendment to the Constitution, ratified less than a decade earlier. And, of course, President Ford presided over our Nation's bicentennial in 1976.

The passage of even a few years, let alone a few decades, can easily change memories and perspectives. In recent years, the majority party has held either House of Congress by a modest margin. In this body today, the balance of power could rest on one Senator. At one point during Gerald Ford's service in the House, however, Democrats outnumbered Republicans by more than 2-to-1. Even under those difficult circumstances, Congressman Ford found ways of reaching across the aisle, working productively with the other party to find solutions to the Nation's problems.

When Gerald Ford took up residence at the other end of Pennsylvania Avenue, there were times when he had to stand up to Congress. He issued an astounding 66 vetoes in fewer than 3 years, and Congress was able to override just a few.

President Ford served during one of the most trying times in American history, facing troubles at home and abroad. At home, there was the Watergate scandal that had resulted in the Ford Presidency. In 1975, unemployment reached a level nearly twice what it is today. Inflation was in double digits. Fears of energy shortages persisted. Elsewhere in the world, President Ford faced the war in Vietnam and crises in the Middle East and the continued threat posed by the former Soviet Union. And on top of all of that, he shouldered the burden of restoring Americans' faith in their leaders and in democracy itself. Last week in his eulogy, Dr. Henry Kissinger, President Ford's Secretary of State, put it this way: "Unassuming and without guile, Gerald Ford undertook to restore the confidence of Americans in their political institutions and purposes."

He made decisions, some of which were unpopular at the time, that he

felt were necessary for the good of the Nation. Some say that these contributed to his narrow loss to Jimmy Carter. At the same time, from opinion polls after the political conventions showing the incumbent trailing by nearly 30 points, President Ford closed the gap to make the 1976 election one of the closest in American history.

We are all thankful President Ford did not simply retire from public life when he left the White House. For nearly three decades, he remained active as a statesman and involved in important issues. He founded, and for many years chaired, the World Forum conducted by the American Enterprise Institute, and he continued writing about some of the political and social challenges of our day. In 2001, he authored a poignant column which appeared in the Washington Post and endorsed legislation to promote regenerative therapies that can give hope to Americans suffering from chronic diseases. As a cosponsor of that legislation, I was moved and grateful for President Ford's wisdom and support.

For these and so many other activities and contributions, President Ford received the Medal of Freedom, America's highest civilian award, in 1999 and the Profiles in Courage Award from the Kennedy Foundation in 2001. In 1999, he and Mrs. Ford received the Congressional Gold Medal for their dedicated public service and humanitarian contributions.

As great as President Ford was, he was always the first to acknowledge his wonderful spouse, and I would be remiss, if I did not say a few words about Betty Ford. She was such a model of grace and dignity, inspiring us with her love and devotion to her family. Betty Ford was a bold First Lady, candidly sharing with the Nation her struggles with cancer and chemical dependency. She did not, however, stop there but turned those struggles into a crusade to help others. She served as cochairman of the Susan G. Komen Foundation when it was founded in 1982. Each year, she presents the Betty Ford Award from that foundation to a champion in the fight against breast cancer. The Betty Ford Center, which she founded in 1982, is today one of the leading treatment facilities in America, perhaps the world, and Mrs. Ford continues to serve as its board chairman.

As recently as last week, Betty and her four children, Steve, Mike, Jack, and Susan, showed us their tremendous devotion and kindness as they stood in the Capitol Rotunda for hours on end greeting every visitor who came to pay their respects to President Ford. Even in the face of tragedy, Betty and her children are gracious.

President Ford believed that most people were mostly good most of the time. That optimistic attitude led him once to say that while he had many adversaries in his political life, he could not remember having a single enemy. When he took the oath of office on Au-

gust 9, 1974, he offered not an inaugural address but what he called just a little straight talk among friends. He made a commitment, a compact, with his fellow Americans, in which he said:

You have not elected me as your President by your ballots, he said, and so I ask you to confirm me as your President with your prayers . . . I have not sought this enormous responsibility, but I will not shirk it . . . Our Constitution works; our great republic is a government of laws and not of men. Here the people rule . . . God helping me, I will not let you down.

Those words so reflected the character and vision of President Ford that they were printed in the opening pages of the commemorative program distributed when the Gerald R. Ford Museum was dedicated in September 1981 in Grand Rapids. It is there, along the Grand River, that thousands of Americans, many waiting for hours in the cold, paid a final tribute to our 38th President. And it is nearby, in the city he loved and that loved him, that President Ford was laid to rest.

Gerald Ford did not let us down. It is fitting that on the gravestone of this remarkable man, this distinguished public servant, this healer of our Nation, are the simple words: Lives Committed to God, Country, and Love.

Mr. HAGEL. Mr. President, President Gerald Ford had a distinguished career of public service marked by his exceptional personal qualities, and his passing is a sad moment for all Americans.

President Ford was born in Omaha, NE in 1913 and grew up in Grand Rapids, MI. As a student at the University of Michigan, Ford was an allstar football player and became an assistant football coach at Yale University while he earned his law degree. During his service in World War II, he attained the rank of lieutenant commander in the Navy.

President Ford was first elected to Congress in 1948 and served for 25 years, eight as the minority leader. He was selected to serve as Vice President and became President because he was a man who could restore integrity to the Presidency, hope in America, and bridge partisan divides in Congress.

I first met Gerald Ford when he was the House minority leader and I was chief of staff for Congressman John Y. McCollister from Omaha. I have never met a person in politics who was a more decent and more complete individual than President Ford. He earned the trust and confidence of the American people through his character, competency and common decency.

I had the honor of attending his Capitol memorial service in the Rotunda last week with my daughter, Allyn, and son, Ziller. I am grateful and proud that they had the opportunity to hear President Ford remembered and eulogized with eloquence, grace, and honesty. America is a better place because of President Gerald Ford. He will be greatly missed.

## HONORING OUR ARMED FORCES

CORPORAL MATTHEW JOSEPH STANLEY

Mr. GREGG. Mr. President, I rise today to pay special tribute to U.S. Army CPL Matthew Joseph Stanley of Wolfeboro, NH. Tragically, on December 16, 2006, this courageous young soldier and two of his comrades gave their last full measure for our Nation when their Army vehicle struck an improvised explosive device in Taji, Iraq, north of Baghdad. At the time of this hostile action Corporal Stanley, a cavalry scout with C Troop, 1st Squadron, 7th Cavalry Regiment, 1st Cavalry Division, based in Fort Hood, TX, was serving his second tour in Iraq in support of Operation Iraqi Freedom.

Matthew was a 2002 graduate of Kingswood Regional High School where he was wellknown and liked by his teachers and fellow students. Classmates remember Matthew as fun, always laughing and having a smile on his face. Family and friends say he was one of the nicest guys you would ever want to meet and remember his fondness for hunting and fishing.

Sensing a call to duty, and because of his desire to protect his country, in December 2003, Matthew joined the U.S. Army. Upon completing basic training at Fort Knox, KY, in the spring of 2004, he reported to Fort Hood, TX. The awards and decorations that Corporal Stanley received over the succeeding months are a testament to the strong character of this man. They include the Bronze Star Medal, Purple Heart, two Army Commendation Medals, Army Good Conduct Medal, Combat Action Badge, National Defense Service Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, Army Service Ribbon, Overseas Service Ribbon, and Expert Rifle Qualification Badge. He was posthumously promoted to the rank of corporal.

Patriots from the state of New Hampshire have served our Nation with honor and distinction from Bunker Hill to Taji—and U.S. Army CPL Matthew Stanley served and fought in that same fine tradition. During our country's difficult Revolutionary War, Thomas Paine wrote "These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands it now, deserves the love and thanks of man and woman." In these turbulent times Matthew stood with the country he loved, served it with distinction and honor, and earned and deserves our love and thanks.

My sympathy, condolences, and prayers go out to Matthew's wife Amy, his parents Lynn and Richard, his brothers and sisters, and to his other family members and many friends who have suffered this most grievous loss. All will sorely miss Matthew Stanley, a 22-year-old patriot who was proud of his family, proud of where he lived, and proud of what he did. In the words of Daniel Webster—may his remembrance

be as long lasting as the land he honored. God bless Matthew Joseph Stanley.

CORPORAL JONATHAN E. SCHILLER

Mr. GRASSLEY. Mr. President, it is with a sense of sadness, but also pride, that I rise today to pay tribute to CPL. Jonathan E. Schiller of Ottumwa, IA, who gave his life on New Year's Eve in service to his country in Iraa. He is remembered by friends and family for his good humor and his patriotism. Corporal Schiller's parents, Bill and Liz Schiller, said of their son, "Jon died doing what he loved, serving his country and protecting the freedom of our people and others. We are proud of our son's accomplishments and those of his fellow soldiers in the Army and all branches of the military. We are forever grateful to the Army for changing our boy into a man who fought and died defending something that we take for granted every day... freedom!" My thoughts and prayers are with Bill and Liz, Jon's brothers Charlie and Max, and all of those in the Ottumwa area and elsewhere who mourn the loss of this brave young man. Jon Schiller's willingness to volunteer for military service in a time of war speaks loudly to his love of our country. He now joins the honored ranks of generations of American youth who have laid down their lives for the preservation of freedom. His courageous service and tremendous sacrifice must never be forgotten by a grateful Nation.

#### WELCOMING REPRESENTATIVE MAZIE HIRONO TO THE 110TH CONGRESS

Mr. INOUE. Mr. President, it is my pleasure to welcome the newest member of the Hawaii Congressional Delegation, Representative MAZIE HIRONO, to the 110th Congress.

Representative HIRONO has previously served the State of Hawaii as Lieutenant Governor, Hawaii State Representative, and deputy state attorney general, and I am confident she will continue her distinguished record as a compassionate, tireless, and courageous public servant through her service in Washington as a Member of the U.S. House of Representatives. She embodies the best of Hawaii and our Nation.

As a young girl, she and her mother and two brothers emigrated from Japan in search of a better life. The life they found in Hawaii was marked by struggle and hard work. But, more importantly, MAZIE HIRONO found hope and self-reliance.

She also learned an important lesson that still guides her today. "My mother taught me that no circumstance is beyond the power of courage, and that when you know what is right you must find the will to act, even against the greatest of odds," she says. That uncommon spirit, from an uncommon mother, defines MAZIE HIRONO.

I kindly ask you and my colleagues to join me in welcoming Representa-

tive HIRONO to the 110th Congress of the United States.

#### RETIREMENT OF GARY LAPIERRE

Mr. KENNEDY. Mr. President, I would like to recognize a New England journalism legend, Gary LaPierre, who retired on December 29, capping a remarkable career. For many citizens of our region, Gary LaPierre is the voice of New England. He comes from the beautiful small town of Shelburne Falls, MA, where his mother Esther still lives today, and is one of the most dependable, fair, and effective journalists Massachusetts has ever seen. Gary first began covering me in my 1964 Senate reelection campaign, and he has been asking me questions ever since—his interviews with me number in the hundreds. This past election day, November 7, 2006, Gary declared me the winner in my Senate race that evening.

Gary has won many awards for his outstanding journalism over the years. His "LaPierre on the Loose" segment and his skills in investigative reporting send chills down the spines of anyone out to defy the public interest. Whether it is lighthearted regional stories, investigative analyses, or news of the day, Gary handles them all well, and he brings them to us with his trademark clarity, vision, and integrity. I am not sure what Boston will do in the mornings now that Gary is retiring.

I have always liked Gary. He asks the tough questions, and he has been there when history was happening in Boston. He brought national stories to local neighborhood news and covered everything local superbly.

Schoolchildren love Gary, too. When we were buried in a snowstorm, he is the dean of school cancellations and can read through the list faster than anyone on the air. He covered the blizzard of 1978 while holed up in his studio for 5 straight days, keeping constant tabs on those stranded on Route 128. For many, Gary was the narrator in what became one of Boston most cherished hometown stories.

But Gary's reach has often extended beyond Boston borders. He has traveled with the Beatles, and he met our Iranian hostages in Germany. But he always came home to where his heart is—and we are happy he did.

Gary is a fair political reporter as well. He has covered every Democratic Presidential Convention I can recall—and Republican ones, too—and he covered my own campaign in 1980. In fact, no campaign is complete without Gary's analysis, and we have all learned a great deal from him over the years.

His reassuring voice guided us through the horrors of September 11, a day that none of us will ever forget. He also brought us the joys of the Red Sox World Series Championship in 2004. Whatever the topic, he had a talent for making his listeners feel they were a part of the event.

Gary's compassion, his integrity, and his love for Boston will be missed on

the airwaves each morning, but he leaves us with cherished memories, and he helped make WBZ in Boston the world class broadcasting station it is today. Now, as he retires, I join his countless admirers in wishing him a long and happy retirement. He has certainly earned it. We will miss you on WBZ, Gary, but to us, you will always be the voice of Boston.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

##### ENROLLED BILL SIGNED

At 6:10 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker signed the following enrolled bill:

S. 159. An act to redesignate the White Rocks National Recreation Area in the State of Vermont as the "Robert T. Stafford White Rocks National Recreation Area".

At 7:31 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1. An act to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States.

#### MEASURES DISCHARGED

The following measure was discharged from the Committee on Foreign Relations by unanimous consent, and referred as indicated:

S. 198. A bill to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations; to the Committee on Armed Services.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1. An act to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE AND OTHER  
COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-238. A communication from the Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Executive Compensation Disclosure" (RIN3235-A180) received on January 8, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-239. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report relative to the Board's competitive sourcing efforts for fiscal year 2006; to the Committee on Commerce, Science, and Transportation.

EC-240. A communication from the Chairman, Federal Communications Commission, transmitting, pursuant to law, a report relative to the inventory of commercial activities undertaken by the Commission in fiscal year 2005; to the Committee on Commerce, Science, and Transportation.

EC-241. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Criticality Control of Fuel Within Dry Storage Casks or Transportation Packages in a Spent Fuel Pool" (RIN3190-AH95) received on January 8, 2007; to the Committee on Environment and Public Works.

EC-242. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report relative to its study on the effect of certain rural hospital payment adjustments; to the Committee on Finance.

EC-243. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Republication of Rev. Proc. 2006-6" (Rev. Proc. 2007-6) received on January 8, 2007; to the Committee on Finance.

EC-244. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Republication of Rev. Proc. 2006-8" (Rev. Proc. 2007-8) received on January 8, 2007; to the Committee on Finance.

EC-245. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Republication of Rev. Proc. 2006-5" (Rev. Proc. 2007-5) received on January 8, 2007; to the Committee on Finance.

EC-246. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Republication of Rev. Proc. 2006-4" (Rev. Proc. 2007-4) received on January 8, 2007; to the Committee on Finance.

EC-247. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 451—General Rule for Taxable Year of Inclusion" (Rev. Rul. 2007-1, 2007-3) received on January 8, 2007; to the Committee on Finance.

EC-248. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the

report of a rule entitled "Revisions to Rev. Proc. 2004-11" (Rev. Proc. 2007-16) received on January 3, 2007; to the Committee on Finance.

EC-249. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "CPI Adjustment for Section 1274A for 2007" (Rev. Proc. 2007-4) received on January 8, 2007; to the Committee on Finance.

EC-250. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Field Directive on Application of IRC Section 118 to Partnerships" (UIL: 118.01-02) received on January 8, 2007; to the Committee on Finance.

EC-251. A communication from the Secretary, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the Board's competitive sourcing activities during fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

INTRODUCTION OF BILLS AND  
JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. LAUTENBERG, and Ms. SNOWE):

S. 206. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Finance.

By Mr. COLEMAN:

S. 207. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate part or all of any income tax refund to support reservists and National Guard members; to the Committee on Finance.

By Mr. LEVIN:

S. 208. A bill for the relief of Luay Lufti Hadad; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 209. A bill for the relief of Marcos Antonio Sanchez-Diaz; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 210. A bill for the relief of Anton Dodaj, Gjyljana Dodaj, Franc Dodaj, and Kristjan Dodaj; to the Committee on the Judiciary.

By Mrs. CLINTON (for herself, Mrs.

DOLE, Mr. AKAKA, Mr. BAYH, Mr. NELSON of Florida, Mrs. BOXER, Mr. BURR, Ms. CANTWELL, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. HAGEL, Mr. HARKIN, Mr. INOUE, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MENENDEZ, Mrs. MURRAY, Ms. MIKULSKI, Ms. SNOWE, Mr. VITTER, Mr. CASEY, Mr. BENNETT, and Ms. STABENOW):

S. 211. A bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEVIN:

S. 212. A bill for the relief of Perlat Binaj, Almida Binaj, Erina Binaj, and Anxhela Binaj; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 213. A bill for the relief of Mohamad Derani, Maha Felo Derani, and Tarek Derani; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mr. LEAHY):

S. 214. A bill to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys; to the Committee on the Judiciary.

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. KERRY, Mrs. BOXER, Mr. HARKIN, Mr. LEAHY, Mrs. CLINTON, Mr. OBAMA, and Mr. WYDEN):

S. 215. A bill to amend the Communications Act of 1934 to ensure net neutrality; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 216. A bill to provide for the exchange of certain Federal land in the Santa Fe National Forest and certain non-Federal land in the Pecos National Historical Park in the State of New Mexico; to the Committee on Energy and Natural Resources.

By Mr. COLEMAN:

S. 217. A bill to require the United States Trade Representative to initiate a section 301 investigation into abuses by the Australian Wheat Board with respect to the United Nations Oil-for-Food Programme, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself, Mrs. LINCOLN, Mr. OBAMA, and Mr. ROCKEFELLER):

S. 218. A bill to amend the Internal Revenue Code of 1986 to modify the income threshold used to calculate the refundable portion of the child tax credit; to the Committee on Finance.

By Mr. ENZI (for himself and Mr. THOMAS):

S. 219. A bill to designate the facility of the United States Postal Service located at 152 North 5th Street in Laramie, Wyoming, as the "Gale W. McGee Post Office"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CRAIG:

S. 220. A bill to authorize early repayment of obligations to the Bureau of Reclamation within the A & B Irrigation District in the State of Idaho; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself, Mr. FEINGOLD, Mr. KOHL, Mr. HARKIN, Mr. HAGEL, and Mr. LEAHY):

S. 221. A bill to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself, Mrs. DOLE, Mr. ISAKSON, and Mr. SESSIONS):

S. 222. A bill to amend the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006 to extend the date for the President to determine if Haiti meets certain requirements, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Mr.

COCHRAN, Mr. MCCAIN, Mr. DURBIN, Mr. ALLARD, Mr. LUGAR, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. LEVIN, Ms. MURKOWSKI, Mr. CORNYN, Mr. GRAHAM, Mr. KERRY, Mr. SALAZAR, Mr. OBAMA, Mr. DORGAN, Mr. WYDEN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. REED, and Mrs. FEINSTEIN):

S. 223. A bill to require Senate candidates to file designations, statements, and reports in electronic form; to the Committee on Rules and Administration.

By Mr. DODD (for himself and Mr. BINGAMAN):

S. 224. A bill to create or adopt, and implement, rigorous and voluntary American education content standards in mathematics and science covering kindergarten through

grade 12, to provide for the assessment of student proficiency benchmarked against such standards, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAIG (for himself and Mr. AKAKA):

S. 225. A bill to amend title 38, United States Code, to expand the number of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance; to the Committee on Veterans' Affairs.

By Mr. GRASSLEY:

S. 226. A bill to direct the Inspector General of the Department of Justice to submit semi-annual reports regarding settlements relating to false claims and fraud against the Federal Government; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 227. A bill to establish the Granada Relocation Center National Historic Site as an affiliated unit of the National Park System; to the Committee on Energy and Natural Resources.

By Mr. ROBERTS (for himself, Mr. STEVENS, and Mr. ALEXANDER):

S. 228. A bill to establish a small business child care grant program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 229. A bill to redesignate a Federal building in Albuquerque, New Mexico, as the "Raymond G. Murphy Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

By Mr. FEINGOLD (for himself, Mr. OBAMA, Mr. LIEBERMAN, and Mr. TESTER):

S. 230. A bill to provide greater transparency in the legislative process; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. FEINSTEIN (for herself, Mr. CHAMBLISS, Ms. MIKULSKI, Mr. CORNYN, Mr. OBAMA, Ms. SNOWE, Ms. STABENOW, Ms. COLLINS, Mr. KOHL, Mr. LEVIN, Mr. DURBIN, Mr. BAUCUS, Mr. BINGAMAN, Mr. KERRY, Mr. BIDEN, Mr. ROCKEFELLER, and Mr. SALAZAR):

S. 231. A bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012; to the Committee on the Judiciary.

By Mr. WYDEN:

S. 232. A bill to make permanent the authorization for watershed restoration and enhancement agreements; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. LEAHY, Mrs. BOXER, Mr. SANDERS, Mr. HARKIN, and Mr. KERRY):

S. 233. A bill to prohibit the use of funds for an escalation of United States military forces in Iraq above the numbers existing as of January 9, 2007; to the Committee on Foreign Relations.

By Mr. KERRY:

S. 234. A bill to require the FCC to issue a final order regarding television white spaces; to the Committee on Commerce, Science, and Transportation.

#### ADDITIONAL COSPONSORS

S. 1

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. 1, a bill to provide greater transparency in the legislative process.

S. 5

At the request of Mr. REID, the name of the Senator from Maryland (Mr.

CARDIN) was added as a cosponsor of S. 5, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 80

At the request of Mr. STEVENS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 80, a bill to amend title 5, United States Code, to provide for 8 weeks of paid leave for Federal employees giving birth and for other purposes.

S. 85

At the request of Mr. MCCAIN, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Mrs. BOXER) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 85, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

S. 95

At the request of Mr. KERRY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 95, a bill to amend titles XIX and XXI of the Social Security Act to ensure that every uninsured child in America has health insurance coverage, and for other purposes.

S. 105

At the request of Mr. VITTER, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 105, a bill to prohibit the spouse of a Member of Congress previously employed as a lobbyist from lobbying the Member after the Member is elected.

S. 113

At the request of Mr. INHOFE, the names of the Senator from Maine (Ms. COLLINS), the Senator from New Mexico (Mr. DOMENICI), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. BUNNING), the Senator from Louisiana (Mr. VITTER), the Senator from Wyoming (Mr. ENZI) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 113, a bill to make appropriations for military construction and family housing projects for the Department of Defense for fiscal year 2007.

S. 138

At the request of Mr. SCHUMER, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 138, a bill to amend the Internal Revenue Code of 1986 to apply the joint return limitation for capital gains exclusion to certain post-marriage sales of principal residences by surviving spouses.

S. 143

At the request of Ms. CANTWELL, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 143, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction of State and local general sales taxes.

S. 147

At the request of Mrs. BOXER, the name of the Senator from Maryland

(Ms. MIKULSKI) was added as a cosponsor of S. 147, a bill to empower women in Afghanistan, and for other purposes.

S. 184

At the request of Mr. INOUE, the names of the Senator from Illinois (Mr. DURBIN), the Senator from North Dakota (Mr. DORGAN), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 184, a bill to provide improved rail and surface transportation security.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. LAUTENBERG, and Ms. SNOWE):

S. 206. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise today with my colleague, Senator COLLINS, to introduce legislation that protects the retirement benefits earned by public employees and eliminates barriers which discourage many Americans from pursuing careers in public service. This bill will repeal two provisions of the Social Security Act—the Government Pension Offset and Windfall Elimination Provision—which unfairly reduce the retirement benefits earned by public employees such as teachers, police officers, and firefighters.

The Government Pension Offset reduces a public employee's Social Security spousal or survivor benefits by an amount equal to two-thirds of his or her public pension.

Take the case of a widowed, retired police officer who receives a public pension of \$600 per month. His job in the local police department was not covered by Social Security, yet his wife's private-sector employment was. An amount equal to two-thirds of his public pension, or \$400 each month, would be cut from his Social Security survivor benefits. If this individual is eligible for \$500 in survivor benefits, the Government Pension Offset provision would reduce his monthly benefits to \$100.

In most cases, the Government Pension Offset eliminates the spousal benefit for which an individual qualifies. In fact, 9 out of 10 public employees affected by the Government Pension Offset lose their entire spousal benefit, even though their spouse paid Social Security taxes for many years.

The Windfall Elimination Provision reduces Social Security benefits by up to 50 percent for retirees who have paid into Social Security and also receive a public pension, such as from a teacher retirement fund.

While the reforms that led to the creation of the Government Pension Offset and Windfall Elimination Provision were meant to prevent public employees from being unduly enriched, the



practical effect is that those providing critical public services are unjustly penalized.

According to the Congressional Budget Office, the Government Pension Offset provision alone reduces earned benefits for more than 300,000 Americans each year, by upwards of \$3,600. In some cases, for those living on fixed incomes, this represents the difference between a comfortable retirement and poverty.

Nearly one million Federal, State, and municipal workers, as well as teachers and other school district employees, are unfairly held to a different standard when it comes to retirement benefits.

Private-sector retirees receive monthly Social Security checks equal to 90 percent of their first \$656 in average monthly career earnings. However, under the Windfall Elimination Provision, retired public employees are only allowed to receive 40 percent of the first \$656 in career monthly earnings, a penalty of over \$300 per month.

This unfair reduction in retirement benefits is inequitable. The Social Security Fairness Act will allow government pensioners the chance to receive the same 90 percent of their benefits to which nongovernment pension recipients are entitled.

We must do more to encourage people to pursue careers in public service. Unfortunately, the Government Pension Offset and Windfall Elimination Provision make it more difficult to recruit teachers, police officers, and fire fighters; and, it does so at a time when we should be doing everything we can to recruit the best and brightest to these careers.

California's police force needs to add more than 10,000 new officers by 2014—a growth of nearly 15 percent—while hiring more than 15,000 additional officers to replace those who leave the force.

It is estimated that public schools will need to hire between 2.2 million and 2.7 million new teachers nationwide by 2009 because of record enrollments. The projected retirements of thousands of veteran teachers and critical efforts to reduce class sizes also necessitate hiring additional teachers.

California currently has more than 300,000 teachers but will need to double this number by 2010, to 600,000 teachers, in order to keep up with student enrollment levels.

Most importantly, the Government Pension Offset and Windfall Elimination Provision hinder efforts to recruit new math and science teachers from the private sector. As our world becomes increasingly interconnected, it is imperative that our school children receive the finest math and science education to ensure our Nation's future competitiveness in the global economy.

It is counterintuitive that on the one-hand, policymakers seek to encourage people to change careers and enter the teaching profession, while on

the other hand, those wishing to do so are discouraged because they are clearly told that their Social Security retirement benefits will be significantly reduced.

Now that we are witnessing the practical effects of these 20 year old provisions, I hope that Congress will pass legislation to address the unfair reduction of benefits that essentially sends the message that if you do enter public service, your family will suffer and will be unable to receive the full retirement benefits to which they would otherwise be entitled.

I understand that we are facing deficits and repealing the Government Pension Offset and Windfall Elimination Provision will be costly.

I am open to considering all options that move us toward our goal of removing this inequity by allowing individuals to keep the Social Security benefits to which they are entitled while promoting public sector employment.

We should respect, not penalize, our public service employees. I hope that my colleagues will join me in sending this long overdue message to our Nation's public servants, that we value their contributions and support giving all Americans the retirement benefits they have earned and deserve.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 206

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Social Security Fairness Act of 2007”.

#### SEC. 2. REPEAL OF GOVERNMENT PENSION OFFSET PROVISION.

(a) IN GENERAL.—Section 202(k) of the Social Security Act (42 U.S.C. 402(k)) is amended by striking paragraph (5).

(b) CONFORMING AMENDMENTS.—

(1) Section 202(b)(2) of the Social Security Act (42 U.S.C. 402(b)(2)) is amended by striking “subsections (k)(5) and (q)” and inserting “subsection (q)”.

(2) Section 202(c)(2) of such Act (42 U.S.C. 402(c)(2)) is amended by striking “subsections (k)(5) and (q)” and inserting “subsection (q)”.

(3) Section 202(e)(2)(A) of such Act (42 U.S.C. 402(e)(2)(A)) is amended by striking “subsections (k)(5), subsection (q),” and inserting “subsection (q)”.

(4) Section 202(f)(2)(A) of such Act (42 U.S.C. 402(f)(2)(A)) is amended by striking “subsections (k)(5), subsection (q)” and inserting “subsection (q)”.

#### SEC. 3. REPEAL OF WINDFALL ELIMINATION PROVISIONS.

(a) IN GENERAL.—Section 215 of the Social Security Act (42 U.S.C. 415) is amended—

(1) in subsection (a), by striking paragraph (7);

(2) in subsection (d), by striking paragraph (3); and

(3) in subsection (f), by striking paragraph (9).

(b) CONFORMING AMENDMENTS.—Subsections (e)(2) and (f)(2) of section 202 of such Act (42 U.S.C. 402) are each amended by striking “section 215(f)(5), 215(f)(6), or

215(f)(9)(B)” in subparagraphs (C) and (D)(i) and inserting “paragraph (5) or (6) of section 215(f)”.

#### SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to monthly insurance benefits payable under title II of the Social Security Act for months after December 2007. Notwithstanding section 215(f) of the Social Security Act, the Commissioner of Social Security shall adjust primary insurance amounts to the extent necessary to take into account the amendments made by section 3.

Ms. COLLINS. Mr. President, I am pleased to join with my colleague from California, Senator FEINSTEIN, in introducing the Social Security Fairness Act. This bill repeals two provisions of current law—the windfall elimination provision (WEP) and the government pension offset (GPO) that unfairly reduce earned Social Security benefits for many public employees when they retire.

Individuals affected by both the GPO and the WEP are those who are eligible for Federal, State or local pensions from work that was not covered by Social Security, but who also qualify for Social Security benefits based on their own work in covered employment or that of their spouses. While the two provisions were intended to equalize Social Security's treatment of workers, we are concerned that they unfairly penalize individuals for holding jobs in public service when the time comes for them to retire.

These two provisions have enormous financial implications not just for Federal employees, but for our teachers, police officers, firefighters and other public employees as well. Given their important responsibilities, it is unfair to penalize them when it comes to their Social Security benefits. These public servants—or their spouses—have all paid taxes into the Social Security system. So have their employers. Yet, because of these two provisions, they are unable to collect all of the Social Security benefits to which they otherwise would be entitled.

While the GPO and WEP affect public employees and retirees in virtually every State, their impact is most acute in 15 States, including Maine. Nationwide, more than one-third of teachers and education employees, and more than one-fifth of other public employees, are affected by the GPO and/or the WEP.

Almost one million retired government workers across the country have already been adversely affected by these provisions. Many more stand to be affected by them in the future. Moreover, at a time when we should be doing all that we can to attract qualified people to public service, this reduction in Social Security benefits makes it even more difficult for our Federal, State and local governments to recruit and retain the teachers, police officers, firefighters and other public servants who are so critical to the safety and well-being of our families.

The Social Security windfall elimination provision reduces Social Security benefits for retirees who paid into Social Security and who receive a government pension from work not covered under Social Security, such as pensions from the Maine State Retirement Fund. While private sector retirees receive Social Security checks based on 90 percent of their first \$656 average monthly career earnings, government pensioners checks are based on 40 percent—a harsh penalty of more than \$300 per month.

The government pension offset reduces an individual's survivor benefit under Social Security by two-thirds of the amount of his or her public pension. It is estimated that 9 out of 10 public employees affected by the GPO lose their entire spousal benefit, even though their deceased spouses paid Social Security taxes for many years.

What is most troubling is that this offset is most harsh for those who can least afford the loss—lower-income women. In fact, of those affected by the GPO, 73 percent are women. According to the Congressional Budget Office, the GPO reduces benefits for more than 200,000 of these individuals by more than \$3,600 a year—an amount that can make the difference between a comfortable retirement and poverty.

Our teachers and other public employees face difficult enough challenges in their day-to-day work. Individuals who have devoted their lives to public service should not have the added burden of worrying about their retirement. Many Maine teachers, in particular, have talked with me about this issue. They love their jobs and the children they teach, but they worry about the future and about their financial security in retirement.

I hear a lot about this issue in my constituent mail, as well. Patricia Dupont, for example, of Orland, ME, wrote that, because she taught for 15 years under Social Security in New Hampshire, she is living on a retirement income of less than \$13,000 after 45 years in education. Since she also lost survivors' benefits from her husband's Social Security, she calculates that a repeal of the WEP and the GPO would double her current retirement income.

These provisions also penalize private sector employees who leave their jobs to become public school teachers. Ruth Wilson, a teacher from Otisfield, ME, wrote:

"I entered the teaching profession two years ago, partly in response to the nationwide pleas for educators. As the current pool of educators near retirement in the next few years, our schools face a crisis. Low wages and long hard hours are not great selling points to young students when selecting a career.

I love teaching and only regretted my decision when I found out about the penalties I will unfairly suffer. In my former life as a well-paid systems manager at State Street Bank in Boston, I contributed the maximum to Social Security each year. When I decided to become an educator, I figured that because of my many years of maximum Social Security contributions, I would still have a

livable retirement 'wage.' I was unaware that I would be penalized as an educator in your State."

In September of 2003, I chaired a Governmental Affairs Committee hearing to examine the effect that the GPO and the WEP have had on public employees and retirees. We heard compelling testimony from Julia Worcester of Columbia, ME—who was then 73. Mrs. Worcester told the Committee about her work in both Social Security-covered employment and as a Maine teacher, and about the effect that the GPO and WEP have had on her income in retirement. Mrs. Worcester worked for more than 20 years as a waitress and in factory jobs before deciding, at the age of 49, to go back to school to pursue her life-long dream of becoming a teacher. She began teaching at the age of 52 and taught full-time for 15 years before retiring at the age of 68. Since she was only in the Maine State Retirement System for 15 years, Mrs. Worcester does not receive a full State pension. Yet she is still subject to the full penalties under the GPO and WEP. As a consequence, she receives just \$171 a month in Social Security benefits, even though she worked hard and paid into the Social Security system for more than 20 years. After paying for her health insurance, she receives less than \$500 a month in total pension income.

After a lifetime of hard work, Mrs. Worcester, is still substitute teaching just to make ends meet. This simply is not fair. I am therefore pleased to join Senator FEINSTEIN in introducing this legislation to repeal these two unfair provisions, and I urge my colleagues to join us as cosponsors.

By Mr. COLEMAN:

S. 207. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate part or all of any income tax refund to support reservists and National Guard members; to the Committee on Finance.

Mr. COLEMAN. Mr. President, I rise today to introduce legislation to assist the families of our reservists and National Guard members. With our reservists and National Guard members bravely answering our country's call to service, we must do all we can to meet the calls of help from those families left behind who are struggling financially as a result of their loved ones' wartime service.

All too often, the families of reservists and National Guard members must contend not only with the physical absence of a loved one but also with the loss of income that makes paying house, car, medical and other bills too great of a burden to bear without help. According to the latest available statistics, some 55 percent of married Guard members and reservists have experienced a loss in income, with nearly 50 percent experiencing a loss of \$1,000 in pay per month and 15 percent experiencing a loss of \$30,000 or more in pay a year. With our Guard and reservists

putting their lives on the line, they should not also have to put their families' financial lives on the line due to their service.

In an effort to provide relief to these families, I am introducing today the Voluntary Support for Reservists and National Guard Members Act that would bolster the financial assistance available to these families. More specifically, the Voluntary Support for Reservists and National Guard Members Act would provide taxpayers the option of contributing part of their tax refund to the Reserve Income Replacement Program which provides financial assistance to those families who have experienced an income loss due to a call-up to active duty. In 2005, the IRS issued 106 million refunds that totaled \$227 billion with the average refund coming in at \$2,141.36. Even a small percentage of this amount could make a significant difference in the lives of these reservist and National Guard families.

While we can do little to ease the emotional burden experienced by families regarding the service of their loved ones, we can at least try to give them some peace of mind when it comes to their day-to-day finances. These families already have made a great sacrifice to the nation, and they should not also have to sacrifice their financial well-being due to their loved ones' service. Beyond our gratitude, care packages and gifts, we can thank our troops for their service by helping to meet the everyday needs of their families who are facing financial hardships. My bill would provide Americans a convenient way to thank our troops by contributing a portion of their tax refunds to give much-needed help to the loved ones of our reservists and National Guard members.

I ask unanimous consent that my legislation, the Voluntary Support for Reservists and National Guard Members Act, and the accompanying remarks be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 207

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Voluntary Support for Reservists and National Guard Members Act".

#### SEC. 2. DESIGNATION OF OVERPAYMENTS TO SUPPORT RESERVISTS AND NATIONAL GUARD MEMBERS.

(a) DESIGNATION.—Subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

#### "PART IX—DESIGNATION OF OVERPAYMENTS TO RESERVE INCOME REPLACEMENT PROGRAM

"Sec. 6097. Designation

#### "SEC. 6097. DESIGNATION.

"(a) IN GENERAL.—In the case of an individual, with respect to each taxpayer's return for the taxable year of the tax imposed by chapter 1, such taxpayer may designate

that a specified portion (not less than \$1) of any overpayment of tax for such taxable year be paid over to the Reserve Income Replacement Program (RIRP) under section 910 of title 37, United States Code.

“(b) MANNER AND TIME OF DESIGNATION.—A designation under subsection (a) may be made with respect to any taxable year only at the time of filing the return of the tax imposed by chapter 1 for such taxable year. Such designation shall be made in such manner as the Secretary prescribes by regulations except that such designation shall be made either on the first page of the return or on the page bearing the taxpayer's signature.

“(c) OVERPAYMENTS TREATED AS REFUNDED.—For purposes of this title, any portion of an overpayment of tax designated under subsection (a) shall be treated as—

“(1) being refunded to the taxpayer as of the last date prescribed for filing the return of tax imposed by chapter 1 (determined without regard to extensions) or, if later, the date the return is filed, and

“(2) a contribution made by such taxpayer on such date to the United States.”.

(b) TRANSFERS TO RESERVE INCOME REPLACEMENT PROGRAM.—The Secretary of the Treasury shall, from time to time, transfer to the Reserve Income Replacement Program (RIRP) under section 910 of title 37, United States Code, the amounts designated under section 6097 of the Internal Revenue Code of 1986, under regulations jointly prescribed by the Secretary of the Treasury and the Secretary of Defense.

(c) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“PART IX. DESIGNATION OF OVERPAYMENTS TO RESERVE INCOME REPLACEMENT PROGRAM”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

By Mrs. CLINTON (for herself, Mrs. DOLE, Mr. AKAKA, Mr. BAYH, Mr. NELSON of Florida, Mrs. BOXER, Mr. BURR, Ms. CANTWELL, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. HAGEL, Mr. HARKIN, Mr. INOUE, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MENENDEZ, Mrs. MURRAY, Ms. MIKULSKI, Ms. SNOWE, Mr. VITTER, Mr. CASEY, Mr. BENNETT, and Ms. STABENOW):

S. 211. A bill to facilitate nationwide availability of 2-2-1 telephone service for information and referral on human services, volunteer services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise today to introduce the Calling for 2-1-1 Act. I'm thrilled to be a part of the new Democratic Congress as we move to pass the kind of bipartisan legislation I'm talking about today—a bill that could make an invaluable difference in the lives of citizens in New York and the country.

I'd first like to thank my colleague Senator DOLE for joining me in this effort. Because of her long history with the Red Cross, the Senator understands the importance of 2-1-1, and I am so pleased to be working with her again in this new Congress to champion this important cause.

Every hour of every day, someone in the United States needs essential services—from finding an after-school program to securing adequate care for an aging parent. Faced with a dramatic increase in the number of agencies and help-lines, people often don't know where to turn. In many cases, people end up going without necessary services because they do not know where to start. The 2-1-1 system is a user-friendly social-services network, providing an easy-to-remember and universally available phone number that links individuals and families in need to the appropriate nonprofit and government agencies. 2-1-1 helps people find and give help by providing information on job training, schools, volunteer opportunities, elder care housing, and countless other community needs.

However, the importance of this system extends far beyond the day to day needs of our citizens. The need for effective communication was made crystal clear in the immediate aftermath of the devastation of September 11, when most people did not know where to turn for information about their loved ones. Fortunately for those who knew about it, 2-1-1 was already operating in Connecticut, and it was critical in helping identify the whereabouts of victims, connecting frightened children with their parents, providing information on terrorist suspects, and linking ready volunteers with coordinated efforts and victims with necessary mental and physical health services. 2-1-1 provided locations of vigils and support groups, and information on bioterrorism for those concerned about future attacks.

As time went by, many people needed help getting back on their feet. More than 100,000 people lost their jobs. Close to 2,000 families applied for housing assistance because they couldn't pay their rent or mortgage. 90,000 people developed symptoms of post-traumatic stress disorder or clinical depression within eight weeks of the attacks. Another 34,000 people met the criteria for both diagnoses. And 2-1-1 was there to help.

The needs were great and the people of America rose to the challenge. But our infrastructure struggled to keep up with this outpouring of support. In fact, a Brookings Institution and Urban Institute study of the aftermath of September 11 found that many displaced workers struggled to obtain available assistance. The devastation of natural disasters Hurricanes Katrina and Rita further demonstrated the need to connect people to services quickly in a time of crisis. That's what 2-1-1 is all about: providing a single, efficient, coordinated way for people who need help to connect with those who can provide it.

There is broad, bi-partisan support for this legislation—because the need for it has been proven. Unfortunately, in many States, limited resources have slowed the process of connecting communities with this vital service. With-

out adequate Federal support, 2-1-1 will not reach a nationwide population for decades. The University of Texas developed a national cost-benefit analysis that found there would be a savings to society of nearly \$1.1 billion over ten years if 2-1-1 were operational nationwide. The Federal Government, States, counties, businesses and citizens all stand to benefit from a nationwide 2-1-1 service.

As this new Congress moves in a positive direction for America, we must enact legislation that best protects and prepares ourselves for the future. All fifty States deserve to be equipped with the proper communication to respond effectively in an emergency situation.

Every single American should have a number they can call to cut through the chaos of an emergency. That number is 2-1-1. It's time to make our citizens and our country safer by making this resource available nationwide.

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. KERRY, Mrs. BOXER, Mr. HARKIN, Mr. LEAHY, Mrs. CLINTON, Mr. OBAMA, and Mr. WYDEN):

S. 215 A bill to amend the communications act of 1934 to ensure net neutrality: to the Committee on Commerce, Science, and Transportation.

Mr. DORGAN. Mr. President, the issue of Internet freedom, which is also known as net neutrality, is one that is very important to me. I have long fought in Congress against media concentration, to prevent the consolidation of control over what Americans see, read and hear in the media. Americans have recognized how important this issue is and millions spoke out when the FCC sought to loosen the ownership rules to allow for more consolidation.

But now, Americans face an equally great threat to the democratic vehicle of the Internet. The Internet, which we have always taken for granted as an open and free engine for economic and creative growth, is now also at risk, and this must also become a front burner issue for consumers and businesses.

The Internet became a robust engine of economic development by enabling anyone with a good idea to connect to consumers and compete on a level playing field for consumers' business. The marketplace picked winners and losers, and not some central gatekeeper. Our economy, small businesses and consumers benefited tremendously from that dynamic marketplace.

But now we face a situation where the FCC has removed nondiscrimination rules that applied to Internet providers for years, and that enabled the Internet to flourish, and consumers and innovation to thrive.

The FCC removed these rules, and broadband operators soon thereafter announced their interest in acting in discriminatory ways, planning to create tiers on the Internet that could restrict content providers' access to the

Internet unless they pay extra for faster speeds or better service. Under their plan, the Internet would become a new world where those content providers who can afford to pay special fees would have better access to consumers.

On November 7, 2005 then-SBC, now AT&T, CEO Ed Whitacre was quoted in *Business Week* as saying: "They don't have any fiber out there. They don't have any wires. They don't have anything . . . They use my lines for free—and that's bull. For a Google or a Yahoo! or a Vonage or anybody to expect to use these pipes for free is nuts!"

In another article a senior executive from Verizon was quoted as saying: "(Google) is enjoying a free lunch that should, by any rational account, be the lunch of the facilities providers."

Now perhaps if we had a competitive broadband market we would not need to be concerned about the discriminatory intentions of some providers. In a market with many competitors, there is a reasonable chance that market forces would discipline bad behavior.

But this is not the case today: FCC statistics on broadband show that the local cable and telephone companies have a 98 percent share of the national broadband residential access market.

For those that say, the market will take care of competition, and ensure that those that own the broadband networks won't discriminate, that cannot be so when at best consumers have a choice of two providers.

Furthermore, these broadband operators have their own content and services, video, VOIP, media content. They have an incentive to favor their own services and to act in an anti-competitive fashion. Last year Cablevision's Tom Rutledge talking about Vonage made the following statement: "So, anyone who buys Vonage on our network using our data service doesn't really know what they are doing . . . Our service is better, its quality of service. We actually prioritize the bits so that the voice product is a better product."

With these developments, consumers' ability to use content, services and applications could now be subject to decisions made by their broadband providers. The broadband operator will become a gatekeeper, capable of deciding who can get through to a consumer, who can get special deals, faster speeds, better access to the consumer.

This fundamentally changes the way the Internet has operated and threaten to derail the democratic nature of the Internet. American consumers and businesses will be worse off for it.

It is for this reason that Senator SNOWE and I are reintroducing the Internet Freedom Preservation Act, with the support of Internet businesses large and small, consumer groups, labor and education groups, religious organizations, and many others.

Last year we faced an uphill battle: broadband providers were spending millions of dollars on print and television advertisements and efforts to convince

lawmakers to let them act as gatekeepers on the Internet, removing the power from the consumers that drive Internet choice today.

We still face the vast resources of broadband operators that seek to authorize their ability to control content on the Internet. But more importantly on the side of our legislation we have the grass roots support for and the substantive merits of Internet freedom.

In addition, we have proof that it can be done—nondiscrimination rules and Internet freedom can co-exist with profitable business plans. Recently AT&T accepted as a condition of its merger with BellSouth a net neutrality provision written by the FCC. Wall Street immediately reported that it expected no impact on AT&T's bottom line by the acceptance of these conditions, and AT&T is forging ahead, while at the same time having committed to protecting Internet freedom.

It is clear that an open and neutral Internet can co-exist and thrive along with competitive and profitable business models.

But legislation is still critical. The merger conditions are an important step but are not enough. We must restore Internet freedom mandates to the entire broadband industry and make them permanent, ensuring that consumers can continue to receive the benefits of an open and vibrant Internet not only in the short term from AT&T, but from any broadband provider in the longer term.

Today we introduce the Internet Freedom Preservation Act to ensure that the Internet remains a platform that spawns innovation and economic development for generations to come. We look forward to working with our colleagues in Congress to enact these important measures into law.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 215

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Freedom Preservation Act".

#### SEC. 2. INTERNET NEUTRALITY.

Title I of the Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by adding at the end the following:

##### "SEC. 12. INTERNET NEUTRALITY.

"(a) DUTY OF BROADBAND SERVICE PROVIDERS.—With respect to any broadband service offered to the public, each broadband service provider shall—

"(1) not block, interfere with, discriminate against, impair, or degrade the ability of any person to use a broadband service to access, use, send, post, receive, or offer any lawful content, application, or service made available via the Internet;

"(2) not prevent or obstruct a user from attaching or using any device to the network of such broadband service provider, only if such device does not physically damage or substantially degrade the use of such network by other subscribers;

"(3) provide and make available to each user information about such user's access to the Internet, and the speed, nature, and limitations of such user's broadband service;

"(4) enable any content, application, or service made available via the Internet to be offered, provided, or posted on a basis that—

"(A) is reasonable and nondiscriminatory, including with respect to quality of service, access, speed, and bandwidth;

"(B) is at least equivalent to the access, speed, quality of service, and bandwidth that such broadband service provider offers to affiliated content, applications, or services made available via the public Internet into the network of such broadband service provider; and

"(C) does not impose a charge on the basis of the type of content, applications, or services made available via the Internet into the network of such broadband service provider;

"(5) only prioritize content, applications, or services accessed by a user that is made available via the Internet within the network of such broadband service provider based on the type of content, applications, or services and the level of service purchased by the user, without charge for such prioritization; and

"(6) not install or utilize network features, functions, or capabilities that impede or hinder compliance with this section.

"(b) CERTAIN MANAGEMENT AND BUSINESS-RELATED PRACTICES.—Nothing in this section shall be construed to prohibit a broadband service provider from engaging in any activity, provided that such activity is not inconsistent with the requirements of subsection (a), including—

"(1) protecting the security of a user's computer on the network of such broadband service provider, or managing such network in a manner that does not distinguish based on the source or ownership of content, application, or service;

"(2) offering directly to each user broadband service that does not distinguish based on the source or ownership of content, application, or service, at different prices based on defined levels of bandwidth or the actual quantity of data flow over a user's connection;

"(3) offering consumer protection services (including parental controls for indecency or unwanted content, software for the prevention of unsolicited commercial electronic messages, or other similar capabilities), if each user is provided clear and accurate advance notice of the ability of such user to refuse or disable individually provided consumer protection capabilities;

"(4) handling breaches of the terms of service offered by such broadband service provider by a subscriber, provided that such terms of service are not inconsistent with the requirements of subsection (a); or

"(5) where otherwise required by law, to prevent any violation of Federal or State law.

"(c) EXCEPTION.—Nothing in this section shall apply to any service regulated under title VI, regardless of the physical transmission facilities used to provide or transmit such service.

"(d) STAND-ALONE BROADBAND SERVICE.—A broadband service provider shall not require a subscriber, as a condition on the purchase of any broadband service offered by such broadband service provider, to purchase any cable service, telecommunications service, or IP-enabled voice service.

"(e) IMPLEMENTATION.—Not later than 180 days after the date of enactment of the Internet Freedom Preservation Act, the Commission shall prescribe rules to implement this section that—

“(1) permit any aggrieved person to file a complaint with the Commission concerning any violation of this section; and

“(2) establish enforcement and expedited adjudicatory review procedures consistent with the objectives of this section, including the resolution of any complaint described in paragraph (1) not later than 90 days after such complaint was filed, except for good cause shown.

“(f) ENFORCEMENT.—

“(1) IN GENERAL.—The Commission shall enforce compliance with this section under title V, except that—

“(A) no forfeiture liability shall be determined under section 503(b) against any person unless such person receives the notice required by section 503(b)(3) or section 503(b)(4); and

“(B) the provisions of section 503(b)(5) shall not apply.

“(2) SPECIAL ORDERS.—In addition to any other remedy provided under this Act, the Commission may issue any appropriate order, including an order directing a broadband service provider—

“(A) to pay damages to a complaining party for a violation of this section or the regulations hereunder; or

“(B) to enforce the provisions of this section.

“(g) DEFINITIONS.—In this section, the following definitions shall apply:

“(1) AFFILIATED.—The term ‘affiliated’ includes—

“(A) a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person; or

“(B) a person that has a contract or other arrangement with a content, applications, or service provider relating to access to or distribution of such content, applications, or service.

“(2) BROADBAND SERVICE.—The term ‘broadband service’ means a 2-way transmission that—

“(A) connects to the Internet regardless of the physical transmission facilities used; and

“(B) transmits information at an average rate of at least 200 kilobits per second in at least 1 direction.

“(3) BROADBAND SERVICE PROVIDER.—The term ‘broadband service provider’ means a person or entity that controls, operates, or resells and controls any facility used to provide broadband service to the public, whether provided for a fee or for free.

“(4) IP-ENABLED VOICE SERVICE.—The term ‘IP-enabled voice service’ means the provision of real-time 2-way voice communications offered to the public, or such classes of users as to be effectively available to the public, transmitted through customer premises equipment using TCP/IP protocol, or a successor protocol, for a fee (whether part of a bundle of services or separately) with interconnection capability such that service can originate traffic to, and terminate traffic from, the public switched telephone network

“(5) USER.—The term ‘user’ means any residential or business subscriber who, by way of a broadband service, takes and utilizes Internet services, whether provided for a fee, in exchange for an explicit benefit, or for free.”

### SEC. 3. REPORT ON DELIVERY OF CONTENT, APPLICATIONS, AND SERVICES.

Not later than 270 days after the date of enactment of this Act, and annually thereafter, the Federal Communications Commission shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives on the—

(1) ability of providers of content, applications, or services to transmit and send such information into and over broadband networks;

(2) ability of competing providers of transmission capability to transmit and send such information into and over broadband networks;

(3) price, terms, and conditions for transmitting and sending such information into and over broadband networks;

(4) number of entities that transmit and send information into and over broadband networks; and

(5) state of competition among those entities that transmit and send information into and over broadband networks.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 216. A bill to provide for the exchange of certain Federal land in the Santa Fe National Forest and certain non-Federal land in the Pecos National Historical Park in the State of New Mexico; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today, I am introducing along with Mr. DOMENICI the “Pecos National Historical Park Land Exchange Act of 2007”. This bill will authorize a land exchange between the Federal Government and a private landowner that will benefit the Pecos National Historical Park in my State of New Mexico.

Specifically, the bill will enable the Park Service to acquire a private inholding within the Park’s boundaries in exchange for the transfer of a nearby tract of National Forest System land. The National Forest parcel has been identified as available for exchange in the Santa Fe National Forest Land and Resource Management Plan and is surrounded by private lands on three sides.

The Pecos National Historical Park possesses exceptional historic and archaeological resources. The Park preserves the ruins of the great Pecos pueblo, which was a major trade center, and the ruins of two Spanish colonial missions dating from the 17th and 18th centuries.

The Glorieta unit of the park protects key sites associated with the 1862 Civil War Battle of Glorieta Pass, a significant event that ended the Confederate attempt to expand the war into the West. This unit will directly benefit from the land exchange.

Similar bills passed the Senate in the 106th, 108th, and 109th Congresses, and I hope it finally will be enacted this Congress.

I ask unanimous consent that the full text of the bill I have introduced today be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 216

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Pecos National Historical Park Land Exchange Act of 2007”.

### SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term “Federal land” means the approximately 160 acres of Federal land within the Santa Fe National Forest in the State, as depicted on the map.

(2) LANDOWNER.—The term “landowner” means the 1 or more owners of the non-Federal land.

(3) MAP.—The term “map” means the map entitled “Proposed Land Exchange for Pecos National Historical Park”, numbered 430/80,054, dated November 19, 1999, and revised September 18, 2000.

(4) NON-FEDERAL LAND.—The term “non-Federal land” means the approximately 154 acres of non-Federal land in the Park, as depicted on the map.

(5) PARK.—The term “Park” means the Pecos National Historical Park in the State.

(6) SECRETARIES.—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(7) STATE.—The term “State” means the State of New Mexico.

### SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—On conveyance by the landowner to the Secretary of the Interior of the non-Federal land, title to which is acceptable to the Secretary of the Interior—

(1) the Secretary of Agriculture shall, subject to the conditions of this Act, convey to the landowner the Federal land; and

(2) the Secretary of the Interior shall, subject to the conditions of this Act, grant to the landowner the easement described in subsection (b).

(b) EASEMENT.—

(1) IN GENERAL.—The easement referred to in subsection (a)(2) is an easement (including an easement for service access) for water pipelines to 2 well sites located in the Park, as generally depicted on the map.

(2) ROUTE.—The Secretary of the Interior, in consultation with the landowner, shall determine the appropriate route of the easement through the Park.

(3) TERMS AND CONDITIONS.—The easement shall include such terms and conditions relating to the use of, and access to, the well sites and pipeline, as the Secretary of the Interior, in consultation with the landowner, determines to be appropriate.

(4) APPLICABLE LAW.—The easement shall be established, operated, and maintained in compliance with applicable Federal law.

(c) VALUATION, APPRAISALS, AND EQUALIZATION.—

(1) IN GENERAL.—The value of the Federal land and non-Federal land—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if the value is not equal, shall be equalized in accordance with paragraph (3).

(2) APPRAISALS.—

(A) IN GENERAL.—The Federal land and non-Federal land shall be appraised by an independent appraiser selected by the Secretaries.

(B) REQUIREMENTS.—An appraisal conducted under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisition; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(C) APPROVAL.—The appraisals conducted under this paragraph shall be submitted to the Secretaries for approval.

(3) EQUALIZATION OF VALUES.—

(A) IN GENERAL.—If the values of the non-Federal land and the Federal land are not equal, the values may be equalized by—

(i) the Secretary of the Interior making a cash equalization payment to the landowner;

(ii) the landowner making a cash equalization payment to the Secretary of Agriculture; or

(iii) reducing the acreage of the non-Federal land or the Federal land, as appropriate.

(B) CASH EQUALIZATION PAYMENTS.—Any amounts received by the Secretary of Agriculture as a cash equalization payment under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)) shall—

(i) be deposited in the fund established by Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a); and

(ii) be available for expenditure, without further appropriation, for the acquisition of land and interests in land in the State.

(d) COSTS.—Before the completion of the exchange under this section, the Secretaries and the landowner shall enter into an agreement that allocates the costs of the exchange among the Secretaries and the landowner.

(e) APPLICABLE LAW.—Except as otherwise provided in this Act, the exchange of land and interests in land under this Act shall be in accordance with—

(1) section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(2) other applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretaries may require, in addition to any requirements under this Act, such terms and conditions relating to the exchange of Federal land and non-Federal land and the granting of easements under this Act as the Secretaries determine to be appropriate to protect the interests of the United States.

(g) COMPLETION OF THE EXCHANGE.—

(1) IN GENERAL.—The exchange of Federal land and non-Federal land shall be completed not later than 180 days after the later of—

(A) the date on which the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been met;

(B) the date on which the Secretary of the Interior approves the appraisals under subsection (c)(2)(C); or

(C) the date on which the Secretaries and the landowner agree on the costs of the exchange and any other terms and conditions of the exchange under this section.

(2) NOTICE.—The Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives notice of the completion of the exchange of Federal land and non-Federal land under this Act.

#### SEC. 4. ADMINISTRATION.

(a) IN GENERAL.—The Secretary of the Interior shall administer the non-Federal land acquired under this Act in accordance with the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (commonly known as the “National Park Service Organic Act”) (16 U.S.C. 1 et seq.).

(b) MAPS.—

(1) IN GENERAL.—The map shall be on file and available for public inspection in the appropriate offices of the Secretaries.

(2) TRANSMITTAL OF REVISED MAP TO CONGRESS.—Not later than 180 days after completion of the exchange, the Secretaries shall transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a revised map that depicts—

(A) the Federal land and non-Federal land exchanged under this Act; and

(B) the easement described in section 3(b).

By Mr. COLEMAN:

S. 217. A bill to require the United States Trade Representative to initiate a section 301 investigation into abuses by the Australian Wheat Board with respect to the United Nations Oil-for-Food Programme, and for other purposes; to the Committee on Finance.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

#### S. 217

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Australian Wheat Board Accountability Act of 2007”.

#### SEC. 2. INVESTIGATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 30 days after the date of the enactment of this Act, the United States Trade Representative shall initiate an investigation in accordance with title III of the Trade Act of 1974 (19 U.S.C. 2411 et seq.) to determine if actions by the Australian Wheat Board with respect to the Board's abuse of the United Nations Oil-for-Food Programme constitutes an act, policy, or practice and justifies taking action described in section 301(a)(1) of such Act (19 U.S.C. 2411(a)(1)).

(b) ACT, POLICY, OR PRACTICE.—For purposes of this Act, any economic damage suffered by United States wheat farmers as a result of the practices of the Australian Wheat Board related to the United Nations Oil-for-Food Programme during the period 1999 to 2003 shall be deemed to be an act, policy, or practice under section 301(a)(1) of the Trade Act of 1974.

#### SEC. 3. ACTIONS.

(a) NEGOTIATED SETTLEMENT.—

(1) IN GENERAL.—If as a result of the investigation required by section 2 an affirmative determination is made that the actions of the Australian Wheat Board have resulted in barriers to United States wheat exports or meet the requirements for mandatory action described in section 301(a)(1) of the Trade Act of 1974 (19 U.S.C. 2411(a)(1)), the United States Trade Representative shall seek a negotiated settlement with the Government of Australia for compensation under section 301(c)(1)(D) of such Act (19 U.S.C. 2411(c)(1)(D)).

(2) AMOUNT OF COMPENSATION.—In seeking a settlement under paragraph (1), the Trade Representative shall seek compensation in an amount equal to the economic damages suffered by United States wheat farmers as a result of the actions of the Australian Wheat Board with respect to the Board's abuse of the United Nations Oil-for-Food Programme.

(b) IMPOSITION OF DUTIES.—

(1) IN GENERAL.—If the United States Trade Representative fails to reach a settlement with the Government of Australia on or before the date that is 6 months after the date that the United States Trade Representative begins the negotiations described in subsection (a), the United States Trade Representative shall establish a retaliation list (as described in section 306(b)(2)(E) of the Trade Act of 1974; 19 U.S.C. 2416(b)(2)(E)) and shall impose a rate of duty of 100 percent ad valorem on articles on that list that are imported directly or indirectly from Australia. The duties shall be imposed in a manner consistent with section 301(a)(3) of the Trade Act of 1974 (19 U.S.C. 2411(a)(3)).

(2) DURATION OF ADDITIONAL DUTIES.—The duties imposed pursuant to paragraph (1)

shall remain in effect until the date that the United States Trade Representative certifies to Congress that the imposition of such duties is no longer appropriate because adequate compensation has been obtained and the Australian Wheat Board is no longer engaging in the acts, policies, or practices that were the basis for the imposition of the duties.

By Ms. SNOWE (for herself, Mrs. LINCOLN, Mr. OBAMA, and Mr. ROCKEFELLER):

S. 218. A bill to amend the Internal Revenue Code of 1986 to modify the income threshold used to calculate the refundable portion of the child tax credit; to the Committee on Finance.

Ms. SNOWE. Mr. President, today Congress is confronted with how to best provide tax relief to American families earning slightly more than the minimum wage. We can do that by expanding the availability of the child tax credit to more working families.

In 2001, I pushed to make the child tax credit refundable for workers making around the minimum wage. As enacted in 2001, a portion of a taxpayer's child tax credit would be refundable—up to 10 percent of earnings above \$10,000.

In 2004, Congress passed the Working Families Tax Relief of 2004, which increased from 10 percent to 15 percent the portion of the child tax credit that is refundable. Although the legislation increased the amount of the refundable child credit, it failed to increase the number of families eligible for the benefit. The consequences are serious for low-income Americans living paycheck-to-paycheck. It means that tens of thousands of low-income families will be completely ineligible for a credit they should receive.

This year, because the income threshold is indexed, only taxpayers earning over \$11,750 are eligible to receive the refundable portion of the child tax credit. Low-income families earning less than \$11,750 are shut out of the child tax credit completely.

For example, a single mother who earns the current minimum wage and works a 40 hour week, for all 52 weeks of the year, fails to qualify for the refundable portion of the child tax credit. Since the mother earns \$10,700, she is a mere \$300 away from qualifying for the credit. Worse, if the single mother does not receive a raise the following year, it will be even tougher to qualify because the \$11,750 she originally needed to earn is adjusted for inflation and will increase.

Today, I am introducing legislation, the Working Family Child Assistance Act, with Senators LINCOLN, OBAMA, and ROCKEFELLER that will enable more hard-working, low-income families to receive the refundable child credit this year. My legislation returns the amount of income a family must earn to qualify for the child tax credit to \$10,000. Moreover, my bill would “de-index” the \$10,000 threshold for inflation, so families failing to get a raise each year would not lose benefits.



Most notably, my bill is identical to the refundable child credit proposal the Senate passed in May 2001 as part of its version of that year's tax bill. Although I was able to ensure that a refundable child credit would be part of the final bill sent to President Bush, conferees did index the \$10,000 threshold to inflation despite my best efforts.

The staff of the Joint Committee on Taxation has estimated that this legislation will allow an additional 600,000 families to benefit from the refundable child tax credit. The Maine Department of Revenue estimates that 16,700 families in Maine alone would benefit from our proposal. Two thousand of these Maine families would otherwise be completely locked out of the refundable child tax credit under current law.

For example, my legislation provides a \$113 child credit to a mom who earns \$10,750 per year. That's money she could use to buy groceries, school books, other family necessities, and even pay rent.

Our families and our country are better off when government lets people keep more of what they earn. Parents deserve their per-child tax credit, and my bill rewards families for work.

I am committed to this issue and have called on President Bush to work with Congress so we can help an additional one million children, whose parents and guardians struggle every day to take care of them.

Mrs. LINCOLN. Mr. President, I come before the Senate to once again raise an issue that is near and dear to my heart—an issue that is of great importance to working families across this country. In 2001 and again in 2003, Senator SNOWE and I worked together to ensure that low-income working families with children receive the benefit of the Child Tax Credit. I come here today to again ask my colleagues to help me ensure that low-income families aren't forgotten as we discuss tax relief in the 110th Congress.

Unfortunately, although we have made great strides in ensuring that the credit is a useful tool for our working families, in its current form it isn't working for everyone. We can and should take an important additional step to improve it.

As some of my colleagues may be aware, to be eligible for the refundable child tax credit, working families must meet an income threshold. If they don't earn enough, then they don't qualify for the credit. The problem is that some of our working parents are working full-time, every week of the year and yet they still don't earn enough to meet the income threshold to qualify for the credit, much less to receive a meaningful refund.

In 2006, the New York Times highlighted a report which shows that almost one-third of our children live in families that do not qualify for the child tax credit because family earnings are too low. When you break the findings down by race, it's even more disheartening—about half of all Afri-

can American children and half of all Latino children are left out of the full child tax credit because their family's earnings are just too low to qualify.

It is wrong to provide this credit to some hardworking Americans, while leaving others behind. The single, working parent that is stocking shelves at your local grocery store is every bit as deserving as the teacher, accountant or insurance salesman that qualifies for the credit in its current form. We must address this inequity and we must ensure that our tax code works for all Americans, especially those working parents forced to get by on the minimum wage.

In response, Senator SNOWE and I have proposed a solution that will build on our previous efforts to make this credit work for those that need it the most. Today, we are reintroducing the Working Child Family Assistance Act, legislation which de-indexes the income threshold and sets it at a reasonable level so that all working parents, including those making the minimum wage, qualify for the credit. This is a simple, easy solution to a serious problem.

I look forward to working with my colleagues and the Administration to correct this inequity and to ensure that those low-income, hard-working families that need this credit the most do receive its benefits.

Mr. OBAMA. Mr. President, I rise to speak about the Child Tax Credit and to support S. 218, a bill I've worked on with Senators SNOWE and LINCOLN. Working families should get the tax relief they deserve, and I am proud to cosponsor this bill to help realize this aspiration. The Child Credit is an important component of our Federal tax code, and S. 218 is an important step in making the credit more valuable and more fair for those who need it most.

Raising children is expensive and has become even more so in recent years. The Child Tax Credit allows middle class families to claim a credit of \$1,000 per child against their Federal income tax. That's a big help in covering these rising costs.

Importantly, the Child Credit also recognizes the particular vulnerability low-income families with children. Since the credit is refundable to the extent of 15 percent of a taxpayer's earned income in excess of \$11,300, families earning more than that threshold level of income get at least a partial benefit even if they have no Federal income tax liability. The benefit may be small for families with low incomes, but every penny helps defray the rising costs of being a working parent in America today.

Unfortunately, as currently structured, the Child Credit leaves more and more families out of the benefit each year. That's because the income threshold for eligibility rises annually at the rate of inflation even though family incomes may not rise as fast. That means that if you earn the minimum wage, or if your wage is low and

you didn't get a raise, or if you worked fewer hours than the year before, then your tax refund probably shrunk. It may even have disappeared. Given that an estimated four and a half million households with children experienced this decline last year alone, we must reverse this unintended—and unfair—effect.

In many cases, indexing the parameters of the tax system for inflation makes sense because it neutralizes the effects of inflation on the tax system. In this case, however, indexing the threshold results in an unfair tax increase for low-income, working families whose incomes are not keeping up with rising costs. Recent data indicates that the typical low-income household actually saw its earnings decline during the first few years of this decade. At the same time, the costs of housing, childcare, and driving to work have increased sharply.

This bill returns the threshold to its original level of \$10,000 and freezes it, thereby expanding the benefit to include more kids and protecting those families from unfair tax increases due to inflation. This is an important step in improving the fairness of our tax code and providing necessary support to working families.

In time, I hope we will do more. It is unfair that more than eight million children in families with incomes too low to qualify for even a partial credit get no benefit at all. These are families whose incomes are far below the Federal poverty level and whose children ironically have the greatest needs—even as their parents pay an enormous share of their incomes in taxes and basic services, such as food, housing, and clothing.

America can do better. In the new Congress, I hope we will tackle the broader challenge of ensuring that their parents have jobs that pay living wages, a home they can afford, a school district that enables a life of opportunity, a community that cares for its children, and the faith that hard work and personal commitment payoff. America can do this.

I urge my colleagues to join me in supporting this important bill as a first step in addressing the broader goal of equal opportunity for all Americans.

By Mr. CRAIG:

S. 220. A bill to authorize early repayment of obligations to the Bureau of Reclamation within the A & B Irrigation District in the State of Idaho; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, I rise today to introduce the Southern Idaho Bureau of Reclamation Repayment Act of 2007. This Act authorizes prepayment by landowners of their allocated portion of the obligations to the Bureau of Reclamation within A&B Irrigation District and will allow individual landowners to prepay their obligations if they so desire. Additionally, the Act will allow the landowners who

have prepaid to be exempt from the acreage limitation provisions set in the Reclamation Reform Act of 1982, thereby creating an appropriate market for the sale of those lands now owned by landowners who have either died or have retired.

I look forward to working with my colleagues to move this necessary bill through the legislative process quickly.

By Mr. GRASSLEY (for himself, Mr. FEINGOLD, Mr. KOHL, Mr. HARKIN, Mr. HAGEL, and Mr. LEAHY):

S. 221. A bill amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I rise to re-introduce the Fair Contracts for Growers Act of 2007. This bill would simply instill fairness into contractual dealings between farmers and processors. It ensures that parties to a dispute related to agricultural contracts have a true choice of venues.

I introduce this legislation because I believe that anti-competitive activity has become a grave threat to the family farmer. During the last Farm Bill debate, I brought this same bill forward, along with several others. Despite this policy passing the Senate, remarkably the final Farm Bill included no provisions to address concentration.

So, earlier this year, I announced that I will be putting forward a package of bills that will focus on anti-competitive activity in the agriculture industry. This bill is the first step of my agriculture concentration agenda.

Today's legislation is one piece of the puzzle to help stop the unfair impact that vertical integration is having on the family farmer. In the last several years we've seen a tremendous shift in agriculture toward contract production. Under many of these contract arrangements, large, vertically integrated agribusiness firms have the power to dictate the terms of "take-it-or-leave-it" production contracts to farmers.

Then, when there is a dispute between the packer and the family farmer, and the contract between the two includes an arbitration clause, the family farmer has no alternative but to accept arbitration to resolve the dispute. These clauses limit farmers' abilities to pursue remedies in court, even when violations of Federal or State law are at issue. This mandatory arbitration process puts the farmer at a see disadvantage. Even in a situation where discrimination or fraud is suspected, a farmer's only recourse under such a contract is to submit to arbitration. The farmer cannot seek redress in court, even if the result is bankruptcy or financial ruin.

Make no mistake, arbitration is very useful in certain situations. It reduces the load on our courts, and can save parties the expense of drawn-out litiga-

tion. This bill would not rule out arbitration—just forced arbitration.

The Fair Contracts for Growers Act would amend the Packers and Stockyards Act to require that any contract arbitration be voluntarily agreed upon by both parties to settle disputes at the time a dispute arises, not when the contract is signed. This would allow farmers the opportunity to choose the best form of dispute resolution and not have to submit to the packers. It ensures that a farmer, most often the "little guy" in these dealings, is able to maintain his constitutional right to a jury trial. It also gives him a chance to compel disclosure of relevant information, held by the company, which is necessary for a fair decision.

During consideration of the Farm Bill, the Senate passed, by a vote of 64–31, the Feingold-Grassley amendment to give farmers a choice of venues to resolve disputes associated with agricultural contracts. I urge my colleagues to join with Senator FEINGOLD and me, along with our other cosponsors, in supporting this important legislation.

I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IOWA FARMERS UNION,  
Ames, IA, January 3, 2007.

Hon. CHARLES GRASSLEY,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR GRASSLEY: I am writing on behalf of Iowa Farmers Union, Women, Food and Agriculture Network (WFAN) and the Iowa Chapter of National Farmers Organization to reiterate our strong support for the Fair Contracts for Growers Act, and to thank you for your leadership in introducing this legislation.

Contract livestock and poultry producers are being forced to sign mandatory arbitration clauses, as part of a take-it-or-leave-it, non-negotiable contract with large, vertically integrated processing firms. These producers forfeit their basic constitutional right to a jury trial, and instead must accept an alternative dispute resolution forum that severely limits their rights and is often prohibitively expensive. These clauses are signed before any dispute arises, leaving farmers little if any ability to seek justice if they become the victim of fraudulent or abusive trade practices.

Because basic legal processes such as discovery are waived in arbitration, it becomes very difficult for a farmer or grower to prove their case. In these cases, the company has control over the information needed for growers to argue their case. In a civil court case, this evidence would be available to a grower's attorney through discovery. In an arbitration proceeding, the company is not required to provide access to this information, thus placing the farmer/grower at an extreme disadvantage. Other standard legal rights that are waived through arbitration are access to mediation and appeal as well as the right to an explanation of the decision.

Many assume that arbitration is a less costly way of resolving dispute than going to court, but for the producer, the opposite is usually true. The high cost of arbitration is often a significant barrier to most farmers. The up-front filing fees and arbitrator fees

can exceed the magnitude of the dispute itself, with farmers being required to pay fees in the thousands of dollars just to start the arbitration process.

Arbitration can be a valid and effective method of dispute resolution when agreed to voluntarily through negotiation by two parties of similar power, but when used by a dominant party to limit the legal recourse of a weaker party in a non-negotiable contract, it becomes an abusive weapon. Independent family farmers all over the U.S. will benefit from a law that stops the abuse of arbitration clauses in livestock and poultry contracts.

Sincerely,

CHRIS PETERSEN,  
President.

JANUARY 4, 2007.

Hon. CHARLES GRASSLEY,  
U.S. Senate,  
Washington DC.

DEAR SENATOR GRASSLEY, On behalf of the Campaign for Contract Agriculture Reform, I would like to thank you for your leadership in introducing the Fair Contracts for Growers Act.

With the rapid rise of vertically integrated methods of agricultural production, farmers are increasingly producing agricultural products under contract with large processors. In many cases, particularly in the livestock and poultry sector, the farmer never actually owns the product they produce, but instead makes large capital investments on their own land to build the facilities necessary to raise animals for an "integrator."

Under such contract arrangements, farmers and growers are often given take-it-or-leave-it, non-negotiable contracts, with language drafted by the integrator in a manner designed to maximize the company's profits and shift risk to the grower. In many cases, the farmer has little choice but to sign the contract presented to them, or accept bankruptcy. The legal term for such contracts is "contract of adhesion." As contracts of adhesion become more commonplace in agriculture, the abuses that often characterize such contracts are also becoming more commonplace and more egregious.

One practice that has become common in livestock and poultry production contracts is the use of mandatory arbitration clauses, where growers are forced to sign away their constitutional rights to jury trial upon signing a contract with an integrator, and instead accept a dispute resolution forum that denies their basic legal rights and is too costly for most growers to pursue.

Because basic legal processes such as discovery are waived in arbitration, it becomes very difficult for a farmer or grower to prove their case. In these cases, the company has control of the information needed for a grower to argue their case. In a civil court case, this evidence would be available to a growers' attorney through discovery. In an arbitration proceeding, the company is generally not required to provide access to this information, thus placing the farmer/grower at an extreme disadvantage. Other standard legal rights that are waived through arbitration are access to mediation and appeal, as well as the right to an explanation of the decision.

In addition, it is often assumed that arbitration is a less costly way of resolving dispute than going to court. Yet for the farmer, the opposite is usually true. The high cost of arbitration is often a significant barrier to most farmers. The up-front filing fees and arbitrator fees can exceed the magnitude of the dispute itself. For example, in one Mississippi case, filing fees for a poultry grower to begin an arbitration proceeding were \$11,000. In contrast, filing fees for a civil

court case are \$150 to \$250. Lawyer fees in a civil case are often paid on a contingent-fee basis.

In addition, the potential for mandatory arbitration clauses to be used abusively by a dominant party in a contract has also been recognized by Congress with regard to other sectors of our economy. In 2002, legislation was enacted with broad bipartisan support that prohibits the use of pre-dispute, mandatory arbitration clauses in contracts between car dealers and car manufacturers and distributors. The Fair Contract for Growers Act is nearly identical in structure to the "car dealer" arbitration bill passed by Congress in 2002.

Thank you again for introducing the Fair Contracts for Growers Act, to assure that arbitration in livestock and poultry contracts is truly voluntary, after mutual agreement of both parties after a dispute arises. If used, arbitration should be a tool for honest dispute resolution, not a weapon used to limit a farmers' right to seek justice for abusive trade practices.

I look forward to working with you toward enactment of this important legislation.

Sincerely,

STEVEN D. ETKA  
Legislative Coordinator, Campaign  
for Contract Agriculture Reform.

NATIONAL FAMILY FARM COALITION,  
Washington, DC, January 9, 2007.  
Senator CHARLES GRASSLEY,  
Hart Building,  
Washington, DC.

DEAR SENATOR GRASSLEY: I am writing as president of the National Family Farm Coalition to express our strong support for the Fair Contracts for Growers Act, and to thank you for your leadership in introducing this legislation. As you know, the National Family Farm Coalition provides a voice for grassroots groups on farm, food, trade and rural economic issues to ensure fair prices for family farmers, safe and healthy food, and vibrant, environmentally sound rural communities. Our organization is committed to promoting justice in agriculture, which is stymied by current practices that give farmers unfair and unjust difficulties when they wish to arbitrate a contract dispute.

Therefore, the Fair Contracts for Growers Act is very timely. With the rapid rise of vertically integrated methods of agricultural production, farmers are increasingly producing agricultural products under contract with large processors. Under these contracts, it is common for farmers and growers to be forced to sign mandatory arbitration clauses, as part of a take-it-or-leave-it, non-negotiable contract with a large, vertically integrated processing firm. In doing so, the farmer is forced to give up their basic constitutional right to a jury trial, and instead must accept an alternative dispute resolution forum that severely limits their rights and is often prohibitively expensive. These clauses are signed before any dispute arises, leaving farmers little if any ability to seek justice if they become the victim of fraudulent or abusive trade practices.

Because basic legal processes such as discovery are waived in arbitration, it becomes very difficult for a farmer or grower to prove their case. In these cases, the company has control of the information needed for a grower to argue their case. In a civil court case, this evidence would be available to a growers' attorney through discovery. In an arbitration proceeding, the company is not required to provide access to this information, thus placing the farmer/grower at an extreme disadvantage. Other standard legal rights that are waived through arbitration are access to mediation and appeal, as well as the right to an explanation of the decision.

In addition, it is often assumed that arbitration is a less costly way of resolving dispute than going to court. Yet for the farmer, the opposite is usually true. The high cost of arbitration is often a significant barrier to most farmers. The up-front filing fees and arbitrator fees can exceed the magnitude of the dispute itself, with farmers being required to pay fees in the thousands of dollars just to start the arbitration process.

Arbitration can be a valid and effective method of dispute resolution when agreed to voluntarily through negotiation by two parties of similar power, but when used by a dominant party to limit the legal recourse of a weaker party in a non-negotiable contract, it becomes an abusive weapon.

Thank you for your leadership in recognizing these concerns, and your willingness to introduce common sense legislation to stop the abuse of arbitration clauses in the livestock and poultry contracts.

Sincerely,

GEORGE NAYLOR,  
President.

SUSTAINABLE AGRICULTURE COALITION,  
Washington, DC, January 8, 2007.

Senator CHUCK GRASSLEY,  
Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR GRASSLEY: I am writing on behalf of the Sustainable Agriculture Coalition in support of the Fair Contract for Growers Act and to thank you for your leadership in introducing this legislation.

The Fair Contracts for Growers Act is necessary to help level the playing field for our farmers and ranchers who enter into production contracts with packers and processors. The rapid rise of vertically integrated production chains, combined with the high degree of concentration of poultry processors and meatpackers, leaves farmers and ranchers in many regions of the country with few choices, or only a single choice, of buyers for their products. Increasingly, farmers and ranchers are confronted with "take-it-or-leave-it," non-negotiable contracts, written by the company. These contracts require that farmers and ranchers give up the basic constitutional right of access to the courts and sign mandatory binding arbitration clauses if they want access to a market for their products. These clauses are signed before any dispute arises, leaving the producers little, if any, ability to seek justice if they become the victim of fraudulent or abusive trade practices.

Arbitration can be a valid and effective method of dispute resolution when agreed to voluntarily through negotiation by two parties of similar power, but when used by a dominant party to limit the legal recourse of a weaker party in a non-negotiable contract, it becomes an abusive weapon. Many basic legal processes are not available to farmers and ranchers in arbitration. In most agricultural production contract disputes, the company has control of the information needed for a grower to argue a case. In a civil court case, this evidence would be available to the grower's attorney through discovery. In an arbitration proceeding, however, the company is not required to provide access to this information, thus placing the grower at an extreme disadvantage. In addition, in most arbitration proceedings, a decision is issued without an opinion providing an explanation of the principles and standards or even the facts considered in reaching the decision. The arbitration proceeding is a private, closed to effective public safeguards, and the arbitration decisions are often confidential and rarely subject to public oversight or judicial review.

Moreover, there is a growing perception that the arbitration system is biased to-

wards the companies. This private system is basically supported financially by the companies which are involved repeatedly in arbitration cases. The companies also know the history of previous arbitrations, including which arbitrators generally decide in the companies' favor. This arbitration history is rarely available to a farmer or rancher involved in a single arbitration proceeding.

Arbitration is often assumed to be a less costly way of resolving disputes than litigation. But this assumption must be tested in light of the relative resources of the parties. For most farmers and ranchers, arbitration is a significant expense in relation to their income. One immediate financial barrier is filing fees and case service fees, which in arbitration are usually divided between the parties. A few thousand dollars out of pocket is a minuscule expense for a well-heeled company but can be an insurmountable barrier for a farmer with a modest income who is in conflict with the farmer's chief source of income. This significant cost barrier to most farmers, when coupled with the disadvantages of the arbitration process, can deny farmers an effective remedy in contract dispute cases with merit.

The Sustainable Agriculture Coalition represents family farm, rural development, and conservation and environmental organizations that share a commitment to federal policy reform to promote sustainable agriculture and rural development. Coalition member organizations include the Agriculture and Land Based Training Association, American Natural Heritage Foundation, C.A.S.A. del Llano (Communities Assuring a Sustainable Agriculture), Center for Rural Affairs, Dakota Rural Action, Delta Land and Community, Inc., Future Harvest-CASA (Chesapeake Alliance for Sustainable Agriculture), Illinois Stewardship Alliance, Institute for Agriculture and Trade Policy, Iowa Environmental Council, Iowa Natural Heritage Foundation, Kansas Rural Center, Kerr Center for Sustainable Agriculture, Land Stewardship Project, Michael Fields Agricultural Institute, Michigan Agricultural Stewardship Association, Michigan Land Use Institute, Midwest Organic and Sustainable Education Service, The Minnesota Project, National Catholic Rural Life Conference, National Center for Appropriate Technology, Northern Plains Sustainable Agriculture Society, Ohio Ecological Food and Farm Association, Organic Farming Research Foundation, Pennsylvania Association for Sustainable Agriculture, Rural Advancement Foundation International-USA, the Sierra Club Agriculture Committee, and the Washington Sustainable Food and Farming Network. Our member organizations included thousands of farmers and ranchers with small and mid-size operations, a number of whom have entered into agricultural production contracts or are considering whether to sign these contracts. As individuals, these farmers and ranchers do not have the financial power or negotiating position that companies enjoy in virtually every contract dispute. We agree with Senator Grassley that, in the face of such unequal bargaining power, the Fair Contract for Growers Act is a modest and appropriate step which allows growers the choice of entering into arbitration or mediation or choosing to exercise the basic legal right of access to the courts.

Thank you for your leadership in recognizing these concerns, and your willingness to introduce commonsense legislation to stop the abuse of mandatory arbitration clauses in livestock and poultry contracts.

Sincerely,

MARTHA L. NOBLE,  
Senior Policy Associate.

S. 221

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Fair Contracts for Growers Act of 2007”.

**SEC. 2. ELECTION OF ARBITRATION.**

(a) **IN GENERAL.**—Chapter 1 of title 9, United States Code, is amended by adding at the end the following:

**“§ 17. Livestock and poultry contracts**

“(a) **DEFINITIONS.**—In this section:

“(1) **LIVESTOCK.**—The term ‘livestock’ has the meaning given the term in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)).

“(2) **LIVESTOCK OR POULTRY CONTRACT.**—The term ‘livestock or poultry contract’ means any growout contract, marketing agreement, or other arrangement under which a livestock or poultry grower raises and cares for livestock or poultry.

“(3) **LIVESTOCK OR POULTRY GROWER.**—The term ‘livestock or poultry grower’ means any person engaged in the business of raising and caring for livestock or poultry in accordance with a livestock or poultry contract, whether the livestock or poultry is owned by the person or by another person.

“(4) **POULTRY.**—The term ‘poultry’ has the meaning given the term in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)).

“(b) **CONSENT TO ARBITRATION.**—If a livestock or poultry contract provides for the use of arbitration to resolve a controversy under the livestock or poultry contract, arbitration may be used to settle the controversy only if, after the controversy arises, both parties consent in writing to use arbitration to settle the controversy.

“(c) **EXPLANATION OF BASIS FOR AWARDS.**—If arbitration is elected to settle a dispute under a livestock or poultry contract, the arbitrator shall provide to the parties to the contract a written explanation of the factual and legal basis for the award.”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 1 of title 9, United States Code, is amended by adding at the end the following:

“17. Livestock and poultry contracts.”.

**SEC. 3. EFFECTIVE DATE.**

The amendments made by section 2 shall apply to a contract entered into, amended, altered, modified, renewed, or extended after the date of enactment of this Act.

By Mr. FEINGOLD (for himself, Mr. COCHRAN, Mr. MCCAIN, Mr. DURBIN, Mr. ALLARD, Mr. LUGAR, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. LEVIN, Ms. MURKOWSKI, Mr. CORNYN, Mr. GRAHAM, Mr. KERRY, Mr. SALAZAR, Mr. OBAMA, Mr. DORGAN, Mr. WYDEN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. REED, and Mrs. FEINSTEIN):

S. 223. A bill to require Senate candidates to file designations, statements, and reports in electronic form; to the committee on Rules and Administration.

Mr. FEINGOLD. Mr. President, today I will once again introduce with the Senator from Mississippi, Mr. COCHRAN, and the Senator from Arizona, Mr. MCCAIN, a bill to bring Senate campaigns into the 21st century by requiring that Senate candidates file their

campaign finance disclosure reports electronically and that those reports be promptly made available to the public. This step is long overdue, and I hope that the fact that we now have two dozen or so bipartisan cosponsors indicates that the Senate will act quickly on this legislation.

A series of reports by the Campaign Finance Institute has highlighted the anomaly in the election laws that makes it nearly impossible for the public to get access to Senate campaign finance reports while most other reports are available on the Internet within 24 hours of their filing with the Federal Election Commission (FEC). The Campaign Finance Institute asks a rhetorical question: “What makes the Senate so special that it exempts itself from a key requirement of campaign finance disclosure that applies to everyone else, including candidates for the House of Representatives and Political Action Committees?”

The answer, of course, is nothing. The United States Senate is special in many ways. I am proud to serve here. But there is no excuse for keeping our campaign finance information inaccessible to the public when the information filed by House candidates or others is readily available. A recent Washington Post editorial called this delay “completely unjustified.” I couldn’t agree more, especially now, when the Senate is debating ethics reforms designed to increase transparency and accountability to the public. I ask unanimous consent that the text of this editorial be printed in the RECORD following the text of the bill.

My bill amends the section of the election laws dealing with electronic filing to require reports filed with the Secretary of the Senate to be filed electronically and forwarded to the FEC within 24 hours. The FEC is required to make available on the Internet within 24 hours any filing it receives electronically. So if this bill is enacted, electronic versions of Senate reports should be available to the public within 48 hours of their filing. That will be a vast improvement over the current situation, which, according to the Campaign Finance Institute, requires journalists and interested members of the public to review computer images of paper-filed copies of reports, and involves a completely wasteful expenditure of hundreds of thousands of dollars to re-enter information into databases that almost every campaign has available in electronic format.

The current filing system also means that the detailed coding that the FEC does, which allows for more sophisticated searches and analysis, is completed over a week later for Senate reports than for House reports. This means that the final disclosure reports covering the first two weeks of October are often not susceptible to detailed scrutiny before the election. According to the Campaign Finance Institute, in the 2006 election, “[v]oters in six of the hottest Senate races were out of luck

the week before the November 7 election if they did Web searches for information on general election contributions since June 30. In all ten of the most closely followed Senate races voters were unable to search through any candidate reports for information on ‘pre-general election (October 1–18)’ donations.” And a September 18, 2006, column by Jeffery H. Birnbaum in the Washington Post noted that “When the polls opened in November 2004, voters were in the dark about \$53 million in individual Senate contributions of \$200 or more dating all the way back to July . . .”

It is time for the Senate to at long last relinquish its backward attitude toward campaign finance disclosure. I am encouraged by the supportive statements from a number of my colleagues on both sides of the aisle, including the new Minority Leader and Minority Whip, and the new Chair of the Rules Committee. I urge the enactment of this simple bill that will make our reports subject to the same prompt, public scrutiny as those filed by PACs, House and Presidential candidates, and even 527 organizations. I close with another question from the Campaign Finance Institute: “Isn’t it time that the Senate join the 21st century and allow itself to vote on a simple legislative fix that could significantly improve our democracy?” This Congress, let us answer that question in the affirmative.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 223

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Senate Campaign Disclosure Parity Act”.

**SEC. 2. SENATE CANDIDATES REQUIRED TO FILE ELECTION REPORTS IN ELECTRONIC FORM.**

(a) **IN GENERAL.**—Section 304(a)(11)(D) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(D)) is amended to read as follows:

“(D) As used in this paragraph, the terms ‘designation’, ‘statement’, or ‘report’ mean a designation, statement or report, respectively, which—

“(i) is required by this Act to be filed with the Commission, or

“(ii) is required under section 302(g) to be filed with the Secretary of the Senate and forwarded by the Secretary to the Commission.”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 302(g)(2) of such Act (2 U.S.C. 432(g)(2)) is amended by inserting “or 1 working day in the case of a designation, statement, or report filed electronically” after “2 working days”.

(2) Section 304(a)(11)(B) of such Act (2 U.S.C. 434(a)(11)(B)) is amended by inserting “or filed with the Secretary of the Senate under section 302(g)(1) and forwarded to the Commission” after “Act”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to any designation, statement, or report required to be filed after the date of enactment of this Act.

[From The Washington Post, Dec. 6, 2006]

**DARK AGES DISCLOSURE; IT'S TIME FOR THE SENATE TO BRING ITS CAMPAIGN FILING SYSTEM INTO THE MODERN ERA**

Three years ago we wrote an editorial using the headline above. It decried the senseless and costly loophole under which people running for the Senate—alone among federal political candidates and committees—aren't required to file campaign finance reports electronically. In an age when such reports can be filed with the click of a mouse, Senate candidates submit their disclosures on paper, with weeks of delay before they are transferred to a form available and searchable on the Internet. As a result, in the final stretch of campaigns, anyone interested in learning who is bankrolling Senate candidates or how they are spending the cash has to go page by page through voluminous reports. This delay is so obviously unjustified that we expected the legal glitch to be quickly fixed.

Naïve us. Three years later, the situation remains unaddressed. According to the Campaign Finance Institute, as late as the week before Election Day, in all 10 of the most closely followed Senate races, no detailed information was available online about contributions between Oct. 1 and Oct. 18, the last filing period before the election. For six candidates in those races—Democrats Ned Lamont (Conn.), Claire McCaskill (Mo.) and Sheldon Whitehouse (R.I.), and Republicans Mike DeWine (Ohio), Rick Santorum (Pa.) and Thomas H. Kean Jr. (N.J.)—the only financial information available was from before June 30.

It would be easy to change the rule, and the Senate should do so in the final days of the 109th Congress. More than 20 senators, of both parties, have signed on to S. 1508, the Senate Campaign Disclosure Parity Act. If any senator opposes requiring electronic filing, none is willing to say so. Majority Whip Mitch McConnell (R-Ky.), who was rumored to be opposed to the change, says he is for it. Senate Rules Committee Chairman Trent Lott (R-Miss.), whose panel has jurisdiction in this area, said three years ago that it was "part of honesty in elections, I think. Make it accessible." Now what's needed is for Mr. Lott to get committee members' approval to speed the matter to the Senate floor.

To put it bluntly: Republicans, why let the new Democratic majority get credit for making this obvious fix? Do it now, while you're still in charge.

By Mr. DODD (for himself and Mr. BINGAMAN):

S. 224. A bill to create or adopt, and implement, rigorous and voluntary American education content standards in mathematics and science covering kindergarten through grade 12, to provide for the assessment of student proficiency benchmarked against such standards, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, on the 5th anniversary of No Child Left Behind (NCLB), I rise today to introduce The Standards to Provide Educational Achievement for Kids (SPEAK) Act, a bill designed to start the job of holding every child in America to the same high standards. At its core, SPEAK will create, adopt, and implement voluntary core American education content standards in math and science while incentivizing States to adopt them.

America's leadership, economic, and national security rest on our commitment to educate and prepare our youth to succeed in a global economy. The key to succeeding in this endeavor is to have high expectations for all American students as they progress through our Nation's schools.

Currently there are 50 different sets of academic standards, 50 State assessments, and 50 definitions of proficiency under the No Child Left Behind Act. As a result of varied standards, exams and proficiency levels, America's highly mobile student-aged population moves through the Nation's schools gaining widely varying levels of knowledge, skills and preparedness. And yet, in order for the United States to compete in a global economy, we must strengthen our educational expectations for all American children—we must compete as one Nation.

Recent international comparisons show that American students have significant shortcomings in math and science. Many lack the basic skills required for college or the workplace. This affects our economic and national security; it holds us back in the global marketplace and risks ceding our competitive edge. This is unacceptable.

America was founded on the notion of ensuring equity and opportunity for all. And yet, we risk both when we allow different students in different States to graduate from high school with very different educations. We live in a Nation with an unacceptably high high school dropout rate. We live in a Nation where 8th graders in some States score more than 30 points higher on tests of basic science knowledge than students in other States. I ask my colleagues today what equality of opportunity we have under such circumstances.

This is where American standards come in. Voluntary, core American standards in math and science are the first step in ensuring that all American students are given the same opportunity to learn to a high standard no matter where they reside. They will allow for meaningful comparisons of student academic achievement across States, help ensure that American students are academically qualified to enter college or training for the civilian or military workforce, and help ensure that students are better prepared to compete in the global marketplace. Uniform standards are a first step in maintaining America's competitive and national security edge.

While I realize there will be resistance to such efforts, education is after all a State endeavor; we cannot ignore that at the end of the day America competes as one country on the global marketplace. This does not mean that I am asking States to cede their authority in education. What the bill simply proposes is that we use the convening power of the Federal Government to develop standards and then provide States with incentives to adopt them.

At the end of the day, this is a voluntary measure. States will choose whether or not to participate. States that do participate, while required to adopt the American standards, will be given the flexibility to make them their own. They will have the option to add additional content requirements, they will have final say in how coursework is sequenced, and, ultimately, States and districts will still be the ones developing the curriculum, choosing the textbooks and administering the tests. The standards provided for under this legislation will simply serve as a common core.

The SPEAK Act will task the National Assessment Governing Board (NAGB) with creating rigorous and voluntary core American education content standards in math and science for grades K-12. It will require that the standards be anchored in the National Assessment of Educational Progress' (NAEP) math and science frameworks. It will ensure that such standards are internationally competitive and comparable to the best standards in the world. It will develop rigorous achievement levels. It will ensure that varying developmental levels of students are taken into account in the development of such standards. It will provide for periodic review and update of such standards. It will allow participating States the flexibility to add additional standards to the core. And, it establishes an American Standards Incentive Fund to incentivize States to adopt the standards. Among the benefits of participating is a significant infusion of funds for States to bolster their K-12 data systems.

What I propose today is a first step. A first step in regaining our competitive edge. A first step in ensuring that all American students have the opportunity to receive a first class, high-quality education. It is not a step that I am taking alone.

The SPEAK Act has garnered endorsements from businesses, math/science organizations, foundations, and the education community, including the National Education Association (NEA). Through the leadership of Congressman VERNON EHLERS in the House of Representatives it shares not only bicameral, but bipartisan support. Together we have all come together to affect meaningful change in our public schools.

We live in an economy where you can no longer lift, dig or assemble your way to success. Today, you've got to think your way to success so that when public education doesn't work, when we fail to compete as one nation, our entire country gets left behind. Low expectations translate to an America that is less competitive on the world stage. If that happens, we are going to wonder why we didn't do anything about it while we still had time.

Core American standards will set high goals for all students, allow for meaningful comparisons of achievement across States, and help ensure

that all of our students are qualified to enter college. At the end of the day, we all want what's best for our country and parents want what's best for their kids. With core standards, America will begin the work of regaining its competitive edge in the global economy. And in the life of every student, equality will be made a little more real with introduction of this bill, as the skills and knowledge we expect of them are no longer made contingent on where they reside.

I hope that my colleagues will join me in supporting the SPEAK Act. As we start holding our students to the same high standards, I expect that we will be amazed at the excellence that follows. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 224

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Standards to Provide Educational Achievement for Kids Act” or the “SPEAK Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Assessing science in the National Assessment of Educational Progress.
- Sec. 4. Definitions.
- Sec. 5. Voluntary American education content standards; American Standards Incentive Fund.
- Sec. 6. Authorization of appropriations.

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) Throughout the years, educators and policymakers have consistently embraced standards as the mechanism to ensure that every student, no matter what school the student attends, masters the skills and develops the knowledge needed to participate in a global economy.

(2) Recent international comparisons make clear that students in the United States have significant shortcomings in mathematics and science, yet a high level of scientific and mathematics literacy is essential to societal innovations and advancements.

(3) With more than 50 different sets of academic content standards, 50 State academic assessments, and 50 definitions of proficiency under section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)), there is great variability in the measures, standards, and benchmarks for academic achievement in mathematics and science.

(4) Variation in State standards and the accompanying measures of proficiency make it difficult for parents and teachers to meaningfully gauge how well their children are learning mathematics and science in comparison to their peers internationally or here at home.

(5) The disparity in the rigor of standards across States yield test results that tell the public little about how schools are performing and progressing, as States with low standards or low proficiency scores may appear to be doing much better than States with more rigorous standards or higher requirements for proficiency.

(6) As a result, the United States' highly mobile student-aged population moves through the Nation's schools gaining widely varying levels of knowledge, skills, and preparedness.

(7) In order for the United States to compete in a global economy, the country needs to strengthen its educational expectations for all children.

(8) To compete, the people of the United States must compare themselves against international benchmarks.

(9) Grounded in a real world analysis and international comparisons of what students need to succeed in work and college, rigorous and voluntary core American education content standards will keep the United States economically competitive and ensure that the children of the United States are given the same opportunity to learn to a high standard no matter where they reside.

(10) Rigorous and voluntary core American education content standards in mathematics and science will enable students to succeed in academic settings across States while ensuring an American edge in the global marketplace.

#### SEC. 3. ASSESSING SCIENCE IN THE NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.

(a) NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS AUTHORIZATION ACT.—Section 303 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622) is amended—

(1) in subsection (a), by striking “reading and mathematics” and inserting “reading, mathematics, and science”;

(2) in subsection (b)—

(A) in paragraph (1), by inserting “science,” after “mathematics”;

(B) in paragraph (2)—

(i) in subparagraph (B), by striking “reading and mathematics” and inserting “reading, mathematics, and science”;

(ii) in subparagraph (C), by striking “reading and mathematics” and inserting “reading, mathematics, and science”;

(iii) in subparagraph (D), by striking “science”;

(iv) in subparagraph (E), by striking “reading and mathematics” and inserting “reading, mathematics, and science”; and

(v) in subparagraph (F)—

(I) by striking “continue to” ; and

(II) by striking “reading and mathematics” and inserting “reading, mathematics, and science”;

(C) in paragraph (3)—

(i) in subparagraph (A), by striking “reading and mathematics” each place the term occurs and inserting “reading, mathematics, and science”; and

(ii) in subparagraph (C)(ii), by striking “reading and mathematics” and inserting “reading, mathematics, and science”; and

(D) in paragraph (4)(B), by striking “, require, or influence” and inserting “or require”;

(3) in subsection (d)(3), by striking “reading and mathematics” each place the term occurs and inserting “reading, mathematics, and science”; and

(4) in subsection (f)(1)(B)(v), by striking “and mathematical knowledge” and inserting “, mathematical knowledge, and science knowledge”.

(b) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended—

(1) in section 1111(c)(2) (20 U.S.C. 6311(c)(2))—

(A) by inserting “(and, for science, beginning with the 2008–2009 school year)” after “2002–2003”; and

(B) by striking “reading and mathematics” and inserting “reading, mathematics, and science”; and

(2) in section 1112(b)(1)(F) (20 U.S.C. 6312(b)(1)(F)), by striking “reading and mathematics” and inserting “reading, mathematics, and science”.

#### SEC. 4. DEFINITIONS.

Section 304 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9623) is amended—

(1) in the matter preceding paragraph (1), by striking “In this title:” and inserting “Except as otherwise provided, in this title:”;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of Education.”.

#### SEC. 5. VOLUNTARY AMERICAN EDUCATION CONTENT STANDARDS; AMERICAN STANDARDS INCENTIVE FUND.

The National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621 et seq.) is amended—

(1) by redesignating sections 304 (as amended by section 4) and 305 as sections 306 and 307, respectively; and

(2) by inserting after section 303 the following:

#### “SEC. 304. CREATION OR ADOPTION OF VOLUNTARY AMERICAN EDUCATION CONTENT STANDARDS.

“(a) IN GENERAL.—Not later than 3 years after the date of enactment of the Standards to Provide Educational Achievement for Kids Act and from amounts appropriated under section 307(a)(3) for a fiscal year, the Assessment Board shall create or adopt voluntary American education content standards in mathematics and science covering kindergarten through grade 12.

“(b) DUTIES.—The Assessment Board shall implement subsection (a) by carrying out the following duties:

“(1) Create or adopt voluntary American education content standards for mathematics and science covering kindergarten through grade 12 that reflect a common core of what students in the United States should know and be able to do to compete in a global economy.

“(2) Anchor the voluntary American education content standards based on the mathematics and science frameworks and the achievement levels under section 303(e) of the National Assessment of Educational Progress for grades 4, 8, and 12.

“(3) Ensure that the voluntary American education content standards are internationally competitive and comparable to the best standards in the world.

“(4) Review existing standards in mathematics and science developed by professional organizations.

“(5) Review State standards in mathematics and science as of the date of enactment of the Standards to Provide Educational Achievement for Kids Act and consult and work with entities that are developing, or have already developed, such State standards.

“(6) Review the reports, views, and analyses of a broad spectrum of experts, including classroom educators, and of the public, as such reports, views, and analyses relate to mathematics and science education, including reviews of blue ribbon reports, exemplary practices in the field, and recent reports by government agencies and professional organizations.

“(7) Review scientifically rigorous studies that examine the relationship between—

“(A) the sequences of secondary school-level mathematics and science courses; and



“(B) student achievement.

“(8) Ensure that steps are taken in the development of the voluntary American education content standards to recognize the needs of students who receive special education and related services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and of students who are limited English proficient (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)).

“(9) Solicit input from State and local representative organizations, mathematics and science organizations (including mathematics and science teacher organizations), institutions of higher education, higher education organizations, business organizations, and other appropriate organizations.

“(10) Ensure that the voluntary American education content standards reflect what students will be required to know and be able to do after secondary school graduation to be academically qualified to enter an institution of higher education or training for the civilian or military workforce.

“(11) Widely disseminate the voluntary American education content standards for public review and comment before final adoption.

“(12) Provide for continuing review of the voluntary American education content standards not less often than once every 10 years, which review—

“(A) shall solicit input from organizations and entities, including—

“(i) 1 or more professional mathematics or science organizations, including mathematics or science educator organizations;

“(ii) the State educational agencies that have received American Standards Incentive Fund grants under section 305 during the period covered by the review; and

“(iii) other organizations and entities, as determined appropriate by Assessment Board; and

“(B) shall address issues including—

“(i) whether the voluntary American education content standards continue to reflect international standards of excellence and the latest developments in the fields of mathematics and science; and

“(ii) whether the voluntary American education content standards continue to reflect what students are required to know and be able to do in science and mathematics after graduation from secondary school to be academically qualified to enter an institution of higher education or training for the civilian or military workforce, as of the date of the review.

#### “SEC. 305. THE AMERICAN STANDARDS INCENTIVE FUND.

“(a) DEFINITIONS.—In this section:

“(1) IN GENERAL.—The terms ‘elementary school’, ‘local educational agency’, ‘professional development’, ‘secondary school’, ‘State’, and ‘State educational agency’ have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(2) ACADEMIC CONTENT STANDARDS.—The term ‘academic content standards’ means the challenging academic content standards described in section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)).

“(3) LEVELS OF ACHIEVEMENT.—The term ‘levels of achievement’ means the State levels of achievement under subclauses (II) and (III) of section 1111(b)(1)(D)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)(D)(ii)(II), (III)).

“(4) STATE ACADEMIC ASSESSMENTS.—The term ‘State academic assessments’ means the academic assessments for a State described in section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).

“(b) ESTABLISHMENT OF FUND.—From amounts appropriated under section 307(a)(4) for a fiscal year, the Secretary shall establish and fund the American Standards Incentive Fund to carry out the grant program under subsection (c).

“(c) INCENTIVE GRANT PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—Not later than 12 months after the Assessment Board adopts the voluntary American education content standards under section 304, the Secretary shall use amounts available from the American Standards Incentive Fund to award, on a competitive basis, grants to State educational agencies to enable each State educational agency to adopt the voluntary American education content standards in mathematics and science as the core of the State’s academic content standards in mathematics and science by carrying out the activities described in subsection (f).

“(2) DURATION AND AMOUNT.—A grant under this subsection shall be awarded—

“(A) for a period of not more than 4 years; and

“(B) in an amount that is not more than \$4,000,000 over the period of the grant.

“(3) SEA COLLABORATION PERMITTED.—A State educational agency receiving a grant under this subsection may collaborate with another State educational agency receiving a grant under this subsection in carrying out the activities described in subsection (f).

“(d) CORE STANDARDS.—A State educational agency receiving a grant under subsection (c) shall adopt and use the voluntary American education content standards in mathematics and science as the core of the State academic content standards in mathematics and science. The State educational agency may add additional standards to the voluntary American education content standards as part of the State academic content standards in mathematics and science.

“(e) STATE APPLICATION.—A State educational agency desiring to receive a grant under subsection (c) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The application shall include—

“(1) timelines for carrying out each of the activities described in subsection (f)(1); and

“(2) a description of the activities that the State educational agency will undertake to implement the voluntary American education content standards in mathematics and science adopted under section 304, and the achievement levels in mathematics and science developed under section 303(e) for the national and State assessments of the National Assessment of Educational Progress, at both the State educational agency and local educational agency levels, including any additional activities described in subsection (f)(2).

“(f) USE OF FUNDS.—

“(1) MANDATORY ACTIVITIES.—A State educational agency receiving a grant under subsection (c) shall use grant funds to carry out all of the following:

“(A) Adopt the voluntary American education content standards in mathematics and science as the core of the State’s academic content standards in mathematics and science not later than 2 years after the receipt of a grant under this section.

“(B) Align the teacher certification or licensure, pre-service, and professional development requirements of the State to the voluntary American education content standards in mathematics and science not later than 3 years after the receipt of the grant.

“(C) Align the State academic assessments in mathematics and science (or develop new such State academic assessments that are aligned) with the voluntary American edu-

cation content standards in mathematics and science not later than 4 years after the receipt of the grant.

“(D) Align the State levels of achievement in mathematics and science with the student achievement levels in mathematics and science developed under section 303(e) for the national and State assessments of the National Assessment of Educational Progress not later than 4 years after the receipt of the grant.

“(E) Develop dissemination, technical assistance, and professional development activities for the purpose of educating local educational agencies and schools on what the standards adopted by the State educational agency under this section are and how the standards can be incorporated into classroom instruction.

“(2) PERMISSIVE ACTIVITIES.—A State educational agency receiving a grant under subsection (c) may use the grant funds to carry out, at the local educational agency or State educational agency level, any of the following activities:

“(A) Develop curricula and instructional materials in mathematics or science that are aligned with the voluntary American education content standards in mathematics and science.

“(B) Conduct other activities needed for the implementation of the voluntary American education content standards in mathematics and science.

“(3) PRIORITY.—In awarding grants under this section the Secretary shall give priority to a State educational agency that will use the grant funds to carry out subparagraph (A) of paragraph (2).

“(g) AWARD BASIS.—In determining the amount of a grant under subsection (c), the Secretary shall take into consideration—

“(1) the extent to which a State’s academic content standards, State academic assessments, levels of achievement in mathematics and science, and teacher certification or licensure, pre-service, and professional development requirements, must be revised to align such State standards, assessments, levels, and teacher requirements with the voluntary American education content standards created or adopted under section 304 and the achievement levels in mathematics and science developed under section 303(e); and

“(2) the planned activities described in the application submitted under subsection (e).

“(h) ANNUAL STATE EDUCATIONAL AGENCY REPORTS.—A State educational agency receiving a grant under subsection (c) shall submit an annual report to the Secretary demonstrating the State educational agency’s progress in meeting the timelines described in the application under subsection (e)(1).

“(i) GRANTS FOR DoD AND BIA SCHOOLS.—

“(1) DEPARTMENT OF DEFENSE SCHOOLS.—From amounts available from the American Standards Incentive Fund, the Secretary, upon application by the Secretary of Defense, may award grants under subsection (c) to the Secretary of Defense on behalf of elementary schools and secondary schools operated by the Department of Defense to enable the Secretary of Defense to carry out activities similar to the activities described in subsection (f) for the elementary schools and secondary schools operated by the Department of Defense.

“(2) BUREAU OF INDIAN AFFAIRS SCHOOLS.—From amounts available from the American Standards Incentive Fund, the Secretary, in consultation with the Secretary of the Interior, may award grants under subsection (c) to the Bureau of Indian Affairs on behalf of elementary schools and secondary schools operated or funded by the Department of the Interior to enable the Director of the Bureau

of Indian Affairs to carry out activities similar to the activities described in subsection (f) for the elementary schools and secondary schools operated or funded by the Department of the Interior.

“(j) STUDY.—Not later than 2 years after the completion of the first 4-year grant cycle for grants under this section, the Commissioner for Education Statistics shall carry out a study comparing the gap between the reported proficiency on State academic assessments and assessments under section 303 for State educational agencies receiving grants under subsection (c), before and after the State adopts the voluntary American education content standards in mathematics and science as the core of the State education content standards in mathematics and science.

“(k) DATA GRANT.—

“(1) PROGRAM AUTHORIZED.—

“(A) IN GENERAL.—From amounts appropriated under section 307(a)(4), the Secretary shall award, to each State educational agency that meets the requirements of paragraph (3), a grant to enhance statewide student level longitudinal data systems as those systems relate to the requirements of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

“(B) DATA AUDIT SYSTEM.—The State, through the implementation of such enhanced data system, shall—

“(i) ensure that the State has in place a State data audit system to assess data quality, validity, and reliability; and

“(ii) provide guidance, technical assistance, and professional development to local educational agencies to ensure local education officials and educators have the tools, knowledge, and protocol necessary to use the enhanced data system properly, ensure the integrity of the data, and be able to use the data to inform education policy and practice.

“(2) AMOUNT OF GRANT.—A grant awarded to a State educational agency under this subsection shall be in an amount equal to 5 percent of the amount allocated to the State under section 1122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332). If the amounts available from the American Standards Incentive Fund are insufficient to pay the full amounts of grants under paragraph (1) to all State educational agencies that receive a grant under this subsection, then the Secretary shall ratably reduce the amount of all grants under this subsection.

“(3) REQUIREMENTS.—In order to receive a grant under this subsection, a State educational agency shall—

“(A) have received a grant under subsection (c); and

“(B) successfully demonstrate to the Secretary that the State has aligned—

“(i) the State's academic content standards and State academic assessments in mathematics and science, and the State's teacher certification or licensure, pre-service, and professional development requirements, with the voluntary American education content standards in mathematics and science; and

“(ii) the State levels of achievement in mathematics and science for grades 4, 8, and 12, with the achievement levels in mathematics and science developed under section 303(e) for such grades.

“(4) NATURE OF GRANT.—A grant under this subsection to a State educational agency shall be in addition to any grant awarded to the State educational agency under subsection (c).

“(5) LIMIT ON NUMBER OF GRANTS.—In no case shall a State educational agency receive more than 1 grant under this subsection.

“(1) REPORTS TO CONGRESS.—Not later than 2 years after the date of enactment of the Standards to Provide Educational Achievement for Kids Act, and every 2 years thereafter, the Secretary shall report to Congress regarding the status of all grants awarded under this section.

“(m) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to establish a preferred national curriculum or preferred teaching methodology for elementary school or secondary school instruction.

“(n) TIMELINE EXTENSION.—The Secretary may extend the 12-year requirement under section 1111(b)(2)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(F)) by not less than 2 years and by not more than 4 years for a State served by a State educational agency that receives grants under subsections (c) and (k).”

#### SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 307(a) of the National Assessment of Educational Progress Authorization Act (as redesignated by section 5(1)) (20 U.S.C. 9624(a)) is amended to read as follows:

“(a) IN GENERAL.—There are authorized to be appropriated—

“(1) to carry out section 302, \$6,000,000 for fiscal year 2007 and such sums as may be necessary for each succeeding fiscal year;

“(2) to carry out section 303, \$200,000,000 for fiscal year 2007 and such sums as may be necessary for each succeeding fiscal year;

“(3) to carry out section 304, \$3,000,000 for fiscal year 2007 and such sums as may be necessary for each succeeding fiscal year; and

“(4) to carry out section 305, \$400,000,000 for fiscal year 2007 and such sums as may be necessary for each succeeding fiscal year.”

By Mr. CRAIG (for himself and Mr. AKAKA):

S. 225. A bill to amend title 38, United States Code, to expand the number of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, I have sought recognition to comment on legislation that I introduced last November along with the distinguished Senator from Hawaii, Senator AKAKA, and that I am again introducing today. The bill would expand the number of eligible recipients of retroactive payments under the Traumatic Injury Protection under Servicemembers' Group Life Insurance, or “TSGLI”, benefit. Most of my colleagues have perhaps heard the story of how this important benefit became law and what its intended purpose is, but I believe it is worth repeating.

In April of 2005 I was visited by three servicemembers who were seriously injured during Operation Iraqi Freedom (OIF). They were members of an organization called the Wounded Warrior Project, and they told me of their lengthy recovery times at Walter Reed Army Medical Center and the financial toll that that period of convalescence had on them and their families. They talked about wives, parents, and other relatives who had taken long absences from work, and some who had even quit their work, in order to spend time with those recovering at Walter Reed. And they told me that the Department of Veterans Affairs compensation sys-

tem was no help because, by law, those benefits do not kick in until after separation from service.

Based on their experiences, these wounded warriors recommended that I pursue legislation to create a new insurance benefit for those with traumatic injuries such as theirs. The insurance would pay between \$25,000 and \$100,000 as soon as possible after an injury occurred, thereby bridging the gap in assistance needed during the time of a wounded servicemember's recovery and the time of his or her separation from service. They asked that I make the legislation prospective only, meaning that they, and hundreds of others, would go without any TSGLI payment. I honored that request and, together with Senator AKAKA and other Members of the Committee on Veterans' Affairs, introduced an amendment to the 2005 Emergency Supplemental Appropriations bill then pending before the Senate.

A second degree amendment was later unanimously agreed to which authorized retroactive benefit payments to all of those injured in the Operation Iraqi Freedom and Operation Enduring Freedom (OEF) theaters of operation—providing for TSGLI payments to hundreds of servicemembers who had been seriously injured since the start of the wars in Afghanistan and Iraq. At the time, the retroactive TSGLI provision was consistent with other retroactive benefits approved within the Emergency Supplemental bill, such as \$238,000 in combined Servicemembers' Group Life Insurance (SGLI) and death gratuity benefits that were provided retroactively to survivors of those killed in combat operations since the start of the War on Terror. Needless to say, the TSGLI amendments were approved by the Congress and enacted into law.

Fast forward to the present. TSGLI has been up and running since December 1, 2005, and provides financial assistance of \$25,000 to \$100,000 to traumatically injured servicemembers within, on average, 60 days of the date of the injury causing event. As of January 5, 2007, almost 2,233 wounded OIF/OEF servicemembers have benefited under the retroactive portion of the program. For those with injuries post December 1, 2005, it does not matter if an injury occurs as a result of combat operations or training exercises—payment under TSGLI is available in either situation; 626 wounded servicemembers have benefited under this aspect of the program.

The Senate Committee on Veterans' Affairs held a hearing on the TSGLI benefit in September 2006. The Committee received testimony from the Wounded Warrior Project, the organization largely responsible for TSGLI's conception. While very pleased with the program overall, a serious concern was raised regarding the equity of only extending retroactive TSGLI payments to those injured during Operations Iraqi and Enduring Freedom. Mr. Jeremy Chwat, testifying for the Wounded

Warrior Project that day, used the example of one servicemember as representative of others who are not now eligible for benefits:

Brave men and women like Seaman Robert Roeder who was injured on January 29, 2005 when an arresting wire on the aircraft carrier, the USS Kitty Hawk, severed his left leg below the knee . . . Although the ship was on its way to the Gulf and the training exercises being conducted were in preparation for action in either Operation Enduring or Iraqi Freedom, Robert's injury does not qualify for payment.

Furthermore, since enactment of the 2005 Emergency Supplemental, retroactive SGLI and death gratuity benefits combining \$238,000 have been expanded to provide payments to survivors of all servicemembers who died on active duty, whether in combat or not. The reason behind the expansion of retroactive benefits was a recognition that military service is universal in character; that each military man or woman, no matter where they are serving, contributes in a unique way to make the United States Armed Forces second to none.

The legislation I am again introducing today, along with Senator AKAKA, will make the TSGLI retroactive payment eligibility criteria consistent with the other benefit program retroactive payment criteria I just mentioned. Thus, if this legislation is enacted, all traumatically injured servicemembers who served between October 7, 2001, and December 1, 2005, will be eligible for TSGLI payments, irrespective of where their injuries occurred. Unofficial estimates from VA suggest that there may be over 215 active duty personnel who, like Seaman Roeder, sustained traumatic injuries during this time period while performing their military duties.

Both the Wounded Warrior Project and the National Military Families Association have expressed their support for this bill. And I now ask my colleagues for their support. This is the right thing to do for our military men and women.

I ask unanimous consent that the text of the bill text be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 225

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXPANSION OF INDIVIDUALS QUALIFYING FOR RETROACTIVE BENEFITS FROM TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.**

(a) IN GENERAL.—Paragraph (1) of section 501(b) of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006 (Public Law 109-233; 120 Stat. 414; 38 U.S.C. 1980A note) is amended by striking “, if, as determined by the Secretary concerned, that loss was a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom”.

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking “IN

OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM”.

By Mr. GRASSLEY:

S. 226. A bill to direct the Inspector General of the Department of Justice to submit semi-annual reports regarding settlements relating to false claims and fraud against the Federal Government; to the Committee on Homeland Security and Governmental Affairs.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 226

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FALSE CLAIMS SETTLEMENTS.**

Section 8E of the Inspector General Act (5 U.S.C. App.) is amended by adding at the end the following:

“(e)(1) In preparing the semi-annual report under section 5, the Inspector General of the Department of Justice shall describe each settlement or compromise of any claim, suit, or other action entered into with the Department of Justice that—

“(A) relates to an alleged violation of section 1031 of title 18, United States Code, or section 3729 of title 31, United States Code (including all settlements of alternative remedies); and

“(B) results from a claim of damages in excess of \$100,000.

“(2) The descriptions of each settlement or compromise required to be included in the semi-annual report under paragraph (1) shall include—

“(A) the overall amount of the settlement or compromise and the portions of the settlement attributed to various statutory authorities;

“(B) the amount of actual damages estimated to have been sustained and the minimum and maximum potential civil penalties incurred as a consequence of the defendants that is the subject of the settlement or compromise;

“(C) the basis for the estimate of damages sustained and the potential civil penalties incurred;

“(D) the amount of the settlement that represents damages and the multiplier or percentage of the actual damages applied in the actual settlement or compromise;

“(E) the amount of the settlement that represents civil penalties and the percentage of the potential penalty liability captured by the settlement or compromise;

“(F) the amount of the settlement that represents criminal fines and a statement of the basis for such fines;

“(G) the length of time involved from the filing of the complaint until the finalization of the settlement or compromise, including—

“(i) the date of the original filing of the complaint;

“(ii) the time the case remained under seal;

“(iii) the date upon which the Department of Justice determined whether or not to intervene in the case; and

“(iv) the date of settlement or compromise;

“(H) whether any of the defendants, or any divisions, subsidiaries, affiliates, or related entities, had previously entered into 1 or more settlements or compromises related to section 1031 of title 18, United States Code, or section 3730(b) of title 31, United States Code, and if so, the dates and monetary size of such settlements or compromises;

“(I) whether the defendant or any of its divisions, subsidiaries, affiliates, or related entities—

“(i) entered into a corporate integrity agreement related to the settlement or compromise; and

“(ii) had previously entered into 1 or more corporate integrity agreements related to section 3730(b) of title 31, United States Code, and if so, whether the previous corporate integrity agreements covered the conduct that is the subject of the settlement or compromise being reported on or similar conduct;

“(J) in the case of settlements involving medicaid, the amounts paid to the Federal Government and to each of the States participating in the settlement or compromise;

“(K) whether civil investigative demands were issued in process of investigating the case;

“(L) in qui tam actions, the percentage of the settlement amount awarded to the relator, and whether or not the relator requested a fairness hearing pertaining to the percentage received by the relator or the overall amount of the settlement;

“(M) the extent to which officers of the department or agency that was the victim of the loss resolved by the settlement or compromise participated in the settlement negotiations; and

“(N) the extent to which relators and their counsel participated in the settlement negotiations.”.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 229. A bill to redesignate a Federal building in Albuquerque, New Mexico, as the “Raymond G. Murphy Department of Veterans Affairs Medical Center”; to the Committee on Veterans' Affairs.

Mr. DOMENICI. Mr. President, I rise today with my colleague, Senator BINGAMAN, to introduce legislation that will designate the Veterans Administration Medical Center in Albuquerque, NM, the “Raymond G. Murphy Department of Veterans Affairs Medical Center.”

Jerry Murphy is an extraordinary New Mexican who was awarded the Congressional Medal of Honor for his heroic actions on February 3, 1953, while serving in the Korean war. On that day in February 1953, Marine 2nd Lieutenant Murphy participated in a raid on Ungok Hill. In the course of the operation, most of the senior officers in Lieutenant Murphy's unit were killed or wounded and the assault on the hill became stalled with many members of the Marine assault force pinned down and trapped on the hill by enemy fire. Seeing his fellow marines in trouble and against orders Lieutenant Murphy organized and led a daring rescue effort. Under intense enemy fire, Murphy personally made countless trips up the hill to evacuate and provide cover for the stranded marines. Though he was wounded numerous times, Lieutenant Murphy refused treatment for his wounds until all marines were accounted for and everyone else had been treated. Lieutenant Murphy was also awarded a Silver Star for bravery in a previous action in 1952.

Jerry's personal mission to protect and aid his fellow servicemen and

women did not end on that hill in Korea, for 25 years he worked in the Veteran's Administration, VA regional office in Albuquerque, New Mexico. While there Jerry worked tirelessly as a counselor in the Division of Vocational Counseling to insure the men and women who served and defended our Nation were able to make the transition to life in peacetime.

Unlike many of us who look to retirement as a time for personal pursuits and relaxation, Jerry chose to carry on his work on behalf of veterans and until 2000 volunteered at the VA hospital in Albuquerque, NM.

For these reasons I am introducing this legislation today. Jerry Murphy is a true American hero who in war and peace dedicated himself to others. I think it only right that the medical center in Albuquerque bear his name in recognition of his great service to this country and its men and women in uniform.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 229

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. REDESIGNATION.

The Federal building known and designated as the "Department of Veterans Affairs Medical Center" located at 1501 San Pedro Drive, SE, in Albuquerque, New Mexico, shall be known and redesignated as the "Raymond G. Murphy Department of Veterans Affairs Medical Center".

#### SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Raymond G. Murphy Department of Veterans Affairs Medical Center".

By Mrs. FEINSTEIN (for herself, Mr. CHAMBLISS, Ms. MIKULSKI, Mr. CORNYN, Mr. OBAMA, Ms. SNOWE, Ms. STABENOW, Ms. COLLINS, Mr. KOHL, Mr. LEVIN, Mr. DURBIN, Mr. BAUCUS, Mr. BINGAMAN, Mr. KERRY, Mr. BIDEN, Mr. ROCKEFELLER, and Mr. SALAZAR):

S. 231. A bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to join Senator CHAMBLISS and a number of other co-sponsors in introducing the Edward Byrne Memorial Justice Assistance Grant Reauthorization Act. This bill would take the \$1,095,000,000 amount which Congress authorized for the Byrne/JAG grant program in fiscal year 2006 in the Violence Against Women and DOJ Reauthorization Act of 2005 (Pub. L. 109-162), and reauthorize that same amount for the program in each year through fiscal year 2012.

The "Byrne/JAG" program resulted from the 2005 consolidation of the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, and the Local Government Law Enforcement Block Grants.

Named after New York Police Officer Edward Byrne, who was killed in the line of duty in 1988, it provides critical support to State and local law enforcement officials.

Byrne/JAG is a law enforcement funding program run by the Department of Justice. For more than 20 years, grants from Byrne/JAG and its predecessor programs have funded state and local drug task forces, community crime prevention programs, substance abuse treatment programs, prosecution initiatives, and many other local crime control programs.

One of the most popular uses of Byrne/JAG funds is to support multi-jurisdictional task forces, which help fight drug and firearm traffickers, gangs, pharmaceutical diversion, and organized crime in America's communities.

Results from Byrne/JAG are real. According to data compiled by the National Criminal Justice Association from self-reported metrics submitted by State Administering Agencies for the 2004 grant year, task forces funded in part by Byrne/JAG grants were responsible for: 54,050 weapons seized; 5,646 methamphetamine labs seized; and \$250,000,000 in cash and personal property seized, not including the value of narcotics seized. They were also responsible for removing massive quantities of controlled substances from America's streets, including: 2.7 million grams of amphetamine and methamphetamine; 1.8 million grams of powder cocaine; 278,200 grams of "crack" cocaine; 73,300 grams of heroin; 75 million cultivated and noncultivated marijuana plants, and 27 million kilograms of marijuana.

As Ron Brooks, President of the National Narcotics Officers' Associations' Coalition (NNOAC) testified last June, "more than one-third of all meth lab seizures were conducted by Byrne-funded task forces."

We get good returns on this investment. The National Sheriff's Association estimates that, with 2,794 personnel in multi-jurisdictional drug task forces, this equates to: 79 drug arrests per full-time employee (221,475 total); 6 kilograms of cocaine seized per FTE. (17,991 total); 2 kilograms of meth seized per FTE, 5,452 kilos total"; 400 grams of heroine seized per FTE, 1,177 kilos total, 306 lbs. of processed marijuana per FTE, 855,309 total; and 3 meth lab responses per FTE, 8,983 total.

And our rural communities are especially dependent on Byrne/JAG grants. Byrne/JAG grants to the States are allocated 60/40, so that 40 percent of the funds must be set aside for distribution to local governments. In short, this is one of the only sources of federal funds for sheriffs and police chiefs in many of our smaller towns and counties.

When Byrne/JAG and the Community Oriented Policing Services (COPS) program were well funded, state and local law enforcement officers produced real results. It is no coincidence that, during this period, we saw more than a decade of steady reductions in violent crime.

Unfortunately, Federal funding for these justice assistance programs has been dramatically slashed in recent years. As late as Fiscal Year 2003, the Byrne grant programs had been funded at a level of \$900 million. In Fiscal Year 2004, however, it was reduced to \$725 million. And in FY2005, Byrne/JAG was cut to \$634 million.

That year in California, the Governor issued a notice to the law enforcement community, advising that this change would "significantly reduce the amount of drug control and criminal justice funding in California"—by a whopping \$14 million in one year, just for my State.

In Fiscal Year 2006, the program was cut even further, to only \$416.5 million—amounting to a 54 percent cut from Fiscal Year 2003. In Fiscal Year 2006, and then again in Fiscal Year 2007, the President's budget proposed eliminating the Byrne program entirely.

In response, the Senate voted to restore Byrne funding in Fiscal Year 2006 to its Fiscal Year 2003 level of \$900 million, but that increase was taken out of the final conference report.

For Fiscal Year 2007, the Senate again restored \$900 million in a budget amendment, but no appropriations bill was passed.

What have we seen in the wake of these cuts to State and local law enforcement and the Byrne/JAG program?

After a decade of declines, FBI reports for 2005 showed a rise in violent crime in every region of our country—an overall increase of 2.5 percent, the largest reported increase in violent crime in the U.S. in 15 years.

For the first six months of 2006, the numbers for violent crime were even worse—up again in every region, and with a surge of nearly 3.7 percent. And the number of robberies—which many criminologists see as a leading indicator of future activity—was up by almost 10 percent. The reduction in Byrne/JAG and other similar funding is not the only reason for this increase. Experts also cite the spread of criminal street gangs like MS-13, for example, as a major factor in the jump in violent crime.

When we are faced with such challenges, however, the Byrne/JAG program has a clear role to play in addressing America's growing violent crime problem.

A national integrated threat demands a national integrated response, with State and local law enforcement leading the way, but with the Federal Government providing meaningful support. Byrne/JAG facilitates that design, by allowing State and local leaders to leverage resources in key areas,

and facilitating collaboration among those in law enforcement, corrections, treatment, and prevention.

A review of programs around the country reveals that some Byrne/JAG-funded task forces receive between \$30 and \$40 from State or local sources for every Federal dollar they receive. Rather than supplanting other sources, Byrne/JAG often leverages Federal dollars, by providing the incentive needed for local agencies to cooperate, communicate, share information and build good cases.

Because State and local cops account for 97 percent of all drug arrests in America, further Byrne/JAG cuts will have a clear effect, as NNOAC President Ron Brooks testified: [T]ake away the Byrne-JAG drug task forces and I guarantee you will have fewer lab seizures . . . The meth supply will continue to grow, as will the toxic meth waste that is being dumped in many neighborhoods.

Unfortunately, some of this is already happening. After the recent cuts to Byrne/JAG, the governor of Texas eliminated funding for most drug task forces in his State, because he decided the limited funding available was needed instead for border enforcement. Narcotics officers throughout the United States also report a similar trend of eliminations and decreases of task forces.

Without multi-jurisdictional task forces, officers will revert to working within their own stovepipes, arresting mere targets of opportunity instead of focusing on organizational targets that have a disproportionate impact on the problem. Police officers will return to working within their own teams rather than cooperating and using shared intelligence to identify wider drug trafficking investigations.

Since 9/11, we have understandably placed greater emphasis on the terrorist threat from abroad, and protecting our borders. But to save the perimeter and lose the heartland to international drug cartels, American street gangs, local meth cooks and neighborhood drug traffickers would be a hollow victory indeed.

Last year, a group of 15 organizations—including NNOAC, the National Troopers Coalition, the International Association of Chiefs of Police, the Major City Chiefs' Association, the National Sheriffs Association, the National District Attorneys' Association, the National Alliance of Drug Enforcement Agencies, the National Association of Counties, the National Association of Drug Court Professionals—all came together to call for the Byrne/JAG program to be funded at the \$1.1 billion level.

The 15 groups represented more than 456,000 law enforcement officers, drug court judges, treatment practitioners, and prosecutors from over 2,000 counties and more than 5,000 community prevention coalitions. And for the 110th Congress, funding Byrne/JAG at the \$1.1 billion level remains a top law enforcement priority.

Passage of this bill will respond to such requests from law enforcement, and also send a clear message that any further efforts by this Administration to reduce or eliminate the Byrne/JAG program in the Fiscal Year 2008 budget will be strongly resisted by this Congress.

I urge my colleagues to support this legislation.

By Mr. WYDEN:

S. 232. A bill to make permanent the authorization for watershed restoration and enhancement agreements; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, the legislation I introduce today reauthorizes a very successful cooperative watershed restoration program that I originally sponsored, and that was originally enacted for the Forest Service, in the Fiscal Year 1999 Interior Appropriations bill. The original legislation lasted through Fiscal Year 2001 after which it was reauthorized by the Appropriations Committees, at my request, through Fiscal Year 2005 and then again through Fiscal Year 2011. My bill passed the Senate in the 109th Congress, but unfortunately did not pass in the House before the end of the Congress. Today, I reintroduce the bill hoping that it can speedily pass both chambers.

The bill making what is commonly referred to as the Wyden amendment permanent authorizes the Secretary of Agriculture to use appropriated Forest Service funds for watershed restoration and enhancement agreements that benefit the ecological health of National Forest System lands and watersheds. The Wyden amendment does not require additional funding, but allows the Forest Service to leverage scarce restoration dollars thereby allowing the federal dollars to stretch farther. During the eight years the program has existed, the Forest Service has leveraged three dollars for every Forest Service dollar spent on these agreements.

The Wyden amendment has resulted in countless Forest Service cooperative agreements with neighboring state and local land owners to accomplish high priority restoration, protection and enhancement work on public and private watersheds. The projects authorized by these agreements have improved watershed health and fish habitat through the control of invasive species, culvert replacement, and other riparian zone improvement projects. In addition to ecological restoration, use of the Wyden amendment has improved cooperative relationships between the Forest Service, private land owners, state agencies and other federal agencies.

I am hopeful that my colleagues on the Energy and Natural Resources Committee will again pass this bill out of the Committee and that thereafter this legislation can again pass the Senate expeditiously. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 232

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Watershed Restoration and Enhancement Agreements Act of 2007".

#### SEC. 2. WATERSHED RESTORATION AND ENHANCEMENT AGREEMENTS.

Section 323 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011 note; Public Law 105-277), is amended—

(1) in subsection (a), by striking "each of fiscal years 2006 through 2011" and inserting "fiscal year 2006 and each fiscal year thereafter";

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

"(d) APPLICABLE LAW.—Chapter 63 of title 31, United States Code, shall not apply to—

"(1) a watershed restoration and enhancement agreement entered into under this section; or

"(2) an agreement entered into under the first section of Public Law 94-148 (16 U.S.C. 565a-1)."

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1. Mr. KERRY (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table.

SA 2. Mr. LEAHY (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 3. Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) proposed an amendment to the bill S. 1, supra.

SA 4. Mr. REID (for himself, Mr. DURBIN, Mr. SALAZAR, and Mr. OBAMA) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 5. Mr. VITTER (for himself and Mr. GRASSLEY) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 6. Mr. VITTER proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 7. Mr. VITTER proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 8. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 1.** Mr. KERRY (for himself, Mr. SALAZAR): submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —CONGRESSIONAL PENSION ACCOUNTABILITY**

**SEC. 1. SHORT TITLE.**

This title may be cited as the “Congressional Pension Accountability Act”.

**SEC. 2. DENIAL OF RETIREMENT BENEFITS.**

(a) IN GENERAL.—Section 8312(a) of title 5, United States Code, is amended—

(1) by striking “or” at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting “; or”, and by inserting after paragraph (2) the following:

“(3) was convicted of an offense described in subsection (d), to the extent provided by that subsection.”; and

(2) by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “; and”, and by inserting after subparagraph (B) the following:

“(C) with respect to the offenses described in subsection (d), to the period after the date of conviction.”.

(b) OFFENSES DESCRIBED.—Section 8312 of such title 5 is amended by redesignating subsection (d) as subsection (e), and by inserting after subsection (c) the following:

“(d) The offenses to which subsection (a)(3) applies are the following:

“(1) An offense within the purview of—

“(A) section 201 of title 18 (bribery of public officials and witnesses); or

“(B) section 371 of title 18 (conspiracy to commit offense or to defraud United States), to the extent of any conspiracy to commit an act which constitutes an offense within the purview of such section 201.

“(2) Perjury committed under the statutes of the United States or the District of Columbia in falsely denying the commission of any act which constitutes an offense within the purview of a statute named by paragraph (1), but only in the case of the statute named by subparagraph (B) of paragraph (1).

“(3) Subornation of perjury committed in connection with the false denial or false testimony of another individual as specified by paragraph (2).

An offense shall not be considered to be an offense described in this subsection except if or to the extent that it is committed by a Member of Congress (as defined by section 2106, including a Delegate to Congress).”.

(c) ABSENCE FROM UNITED STATES TO AVOID PROSECUTION.—Section 8313(a)(1) of such title 5 is amended by striking “or” at the end of subparagraph (A), by striking “and” at the end of subparagraph (B) and inserting “or”, and by adding at the end the following:

“(C) for an offense described under subsection (d) of section 8312; and”.

(d) NONACCRUAL OF INTEREST ON REFUNDS.—Section 8316(b) of such title 5 is amended by striking “or” at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting “; or”, and by adding at the end the following:

“(3) if the individual was convicted of an offense described in section 8312(d), for the period after the conviction.”.

**SEC. 3. CONSTITUTIONAL AUTHORITY.**

The Constitutional authority for this title is the power of Congress to make all laws which shall be necessary and proper as enumerated in Article I, Section 8 of the United States Constitution, and the power to ascer-

tain compensation for Congressional service under Article I, Section 6 of the United States Constitution.

**SEC. 4. EFFECTIVE DATE.**

This Act, including the amendments made by this Act, shall take effect on January 1, 2009.

**SA 2.** Mr. LEAHY (for himself and Mr. PRYOR): submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

**SA 3.** Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) proposed an amendment to the bill S. 1, to provide greater transparency in the legislative process; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

**TITLE I—LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007**

Sec. 101. Short title.

Sec. 102. Out of scope matters in conference reports.

Sec. 103. Earmarks.

Sec. 104. Availability of conference reports on the Internet.

Sec. 105. Sense of the Senate on conference committee protocols.

Sec. 106. Elimination of floor privileges for former Members, Senate officers, and Speakers of the House who are lobbyists or seek financial gain.

Sec. 107. Proper Valuation of Tickets to Entertainment and Sporting Events.

Sec. 108. Ban on gifts from lobbyists.

Sec. 109. Travel restrictions and disclosure.

Sec. 110. Restrictions on former officers, employees, and elected officials of the executive and legislative branch.

Sec. 111. Post employment restrictions.

Sec. 112. Disclosure by Members of Congress and staff of employment negotiations.

Sec. 113. Prohibit official contact with spouse or immediate family member of Member who is a registered lobbyist.

Sec. 114. Influencing hiring decisions.

Sec. 115. Sense of the Senate that any applicable restrictions on Congressional branch employees should apply to the Executive and Judicial branches.

Sec. 116. Amounts of COLA adjustments not paid to certain Members of Congress.

Sec. 117. Requirement of notice of intent to proceed.

Sec. 118. CBO scoring requirement.

Sec. 119. Effective date.

**TITLE II—LOBBYING TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007**

Sec. 201. Short title.

Subtitle A—Enhancing Lobbying Disclosure

Sec. 211. Quarterly filing of lobbying disclosure reports.

Sec. 212. Quarterly reports on other contributions.

Sec. 213. Additional disclosure.

Sec. 214. Public database of lobbying disclosure information.

Sec. 215. Disclosure by registered lobbyists of all past executive and Congressional employment.

Sec. 216. Increased penalty for failure to comply with lobbying disclosure requirements.

Sec. 217. Disclosure of lobbying activities by certain coalitions and associations.

Sec. 218. Disclosure of enforcement for non-compliance.

Sec. 219. Electronic filing of lobbying disclosure reports.

Sec. 220. Disclosure of paid efforts to stimulate grassroots Lobbying.

Sec. 221. Electronic filing and public database for lobbyists for foreign governments.

Sec. 222. Additional lobbying disclosure requirements.

Sec. 223. Increased criminal penalties for failure to comply with lobbying disclosure requirements.

Sec. 224. Effective date.

**Subtitle B—Oversight of Ethics and Lobbying**

Sec. 231. Comptroller General audit and annual report.

Sec. 232. Mandatory Senate ethics training for Members and staff.

Sec. 233. Sense of the Senate regarding self-regulation within the Lobbying community.

Sec. 234. Annual ethics committees reports.

**Subtitle C—Slowing the Revolving Door**

Sec. 241. Amendments to restrictions on former officers, employees, and elected officials of the executive and legislative branches.

Subtitle D—Ban on Provision of Gifts or Travel by Lobbyists in Violation of the Rules of Congress

Sec. 251. Prohibition on provision of gifts or travel by registered lobbyists to Members of Congress and to Congressional employees.

**Subtitle E—Commission to Strengthen Confidence in Congress Act of 2007**

Sec. 261. Short title.

Sec. 262. Establishment of commission.

Sec. 263. Purposes.

Sec. 264. Composition of commission.

Sec. 265. Functions of Commission.

Sec. 266. Powers of Commission.

Sec. 267. Administration.

Sec. 268. Security clearances for Commission Members and staff.

Sec. 269. Commission reports; termination.

Sec. 270. Funding.

**TITLE I—LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007**

**SEC. 101. SHORT TITLE.**

This title may be cited as the “Legislative Transparency and Accountability Act of 2007”.

**SEC. 102. OUT OF SCOPE MATTERS IN CONFERENCE REPORTS.**

(a) IN GENERAL.—A point of order may be made by any Senator against a conference report that includes any matter not committed to the conferees by either House. The point of order may be made and disposed of separately for each item in violation of this section.

(b) DISPOSITION.—If the point of order against a conference report under subsection (a) is sustained, then—

(1) the matter in such conference report shall be stricken;

(2) when all other points of order under this section have been disposed of—

(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the



House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report that has not been stricken;

(B) the question shall be debatable; and

(C) no further amendment shall be in order; and

(3) if the Senate agrees to the amendment, then the bill and the Senate amendment thereto shall be returned to the House for its concurrence in the amendment of the Senate.

(C) **SUPERMAJORITY WAIVER AND APPEAL.**—This section may be waived or suspended in the Senate only by an affirmative vote of  $\frac{3}{4}$  of the Members, duly chosen and sworn. An affirmative vote of  $\frac{3}{4}$  of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

#### SEC. 103. EARMARKS.

The Standing Rules of the Senate are amended by adding at the end the following:

##### “RULE XLIV

##### “EARMARKS

“1. In this rule—

“(1) the term ‘earmark’ means a provision that specifies the identity of a non-Federal entity (by naming the entity or by describing the entity in such a manner that only one entity matches the description) to receive assistance and the amount of the assistance;

“(2) the term ‘assistance’ means budget authority, contract authority, loan authority, and other expenditures;

“(3) the term ‘targeted tax benefit’ means—

“(A) any revenue provision that has the practical effect of providing more favorable tax treatment to a particular taxpayer or limited group of taxpayers when compared with other similarly situated taxpayers; or

“(B) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986; and

“(4) the term ‘targeted tariff benefit’ means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

“2. It shall not be in order to consider any Senate bill or Senate amendment or conference report on any bill, including an appropriations bill, a revenue bill, and an authorizing bill, unless a list of—

“(1) all earmarks, targeted tax benefits, and targeted tariff benefits in such measure;

“(2) an identification of the Member or Members who proposed the earmark, targeted tax benefit, or targeted tariff benefit; and

“(3) an explanation of the essential governmental purpose for the earmark, targeted tax benefit, or targeted tariff benefit;

is available along with any joint statement of managers associated with the measure to all Members and made available on the Internet to the general public for at least 48 hours before its consideration.

“3. (a) A Member who proposes an earmark, targeted tax benefit, or targeted trade benefit included on a list prepared pursuant to paragraph 2, shall certify that neither the Member nor his or her spouse has a financial interest in such earmark, targeted tax benefit, or targeted tariff benefit.

“(b) In this paragraph, the term ‘financial interest’ shall be interpreted in a manner consistent with Senate Rule XXXVII.”

#### SEC. 104. AVAILABILITY OF CONFERENCE REPORTS ON THE INTERNET.

(a) IN GENERAL.—

(1) **AMENDMENT.**—Rule XXVIII of all the Standing Rules of the Senate is amended by adding at the end the following:

“7. (a) It shall not be in order to consider a conference report unless such report is available to all Members and made available to the general public by means of the Internet for at least 48 hours before its consideration.

“(b) This paragraph may be waived or suspended in the Senate only by an affirmative vote of  $\frac{3}{4}$  of the Members, duly chosen and sworn. An affirmative vote of  $\frac{3}{4}$  of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

“8. It shall not be in order to consider a conference report unless the text of such report has not been changed after the Senate signatures sheets have been signed by a majority of the Senate conferees.”.

(2) **EFFECTIVE DATE.**—This subsection shall take effect 60 days after the date of enactment of this title.

(b) **IMPLEMENTATION.**—Not later than 60 days after the date of enactment of this title, the Secretary of the Senate, in consultation with the Clerk of the House of Representatives, the Government Printing Office, and the Committee on Rules and Administration, shall develop a website capable of complying with the requirements of paragraph 7 of rule XXVIII of the Standing Rules of the Senate, as added by subsection (a).

#### SEC. 105. SENSE OF THE SENATE ON CONFERENCE COMMITTEE PROTOCOLS.

It is the sense of Senate that—

(1) conference committees should hold regular, formal meetings of all conferees that are open to the public;

(2) all conferees should be given adequate notice of the time and place of all such meetings; and

(3) all conferees should be afforded an opportunity to participate in full and complete debates of the matters that such conference committees may recommend to their respective Houses.

#### SEC. 106. ELIMINATION OF FLOOR PRIVILEGES FOR FORMER MEMBERS, SENATE OFFICERS, AND SPEAKERS OF THE HOUSE WHO ARE LOBBYISTS OR SEEK FINANCIAL GAIN.

Rule XXIII of the Standing Rules of the Senate is amended by—

(1) inserting “1.” before “Other”;

(2) inserting after “Ex-Senators and Senators-elect” the following: “, except as provided in paragraph 2”;

(3) inserting after “Ex-Secretaries and ex-Sergeants at Arms of the Senate” the following: “, except as provided in paragraph 2”;

(4) inserting after “Ex-Speakers of the House of Representatives” the following: “, except as provided in paragraph 2”;

(5) adding at the end the following:

“2. (a) The floor privilege provided in paragraph 1 shall not apply, when the Senate is in session, to an individual covered by this paragraph who is—

“(1) a registered lobbyist or agent of a foreign principal; or

“(2) is in the employ of or represents any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any legislative proposal.

“(b) The Committee on Rules and Administration may promulgate regulations to allow individuals covered by this paragraph floor privileges for ceremonial functions and events designated by the Majority Leader and the Minority Leader.”.

#### SEC. 107. PROPER VALUATION OF TICKETS TO ENTERTAINMENT AND SPORTING EVENTS.

Paragraph 1(c)(1) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following: “The mar-

ket value of a ticket to an entertainment or sporting event shall be the face value of the ticket or, in the case of a ticket without a face value, the value of the most similar ticket sold by the issuer to the public. A determination of similarity shall consider all features of the ticket, including access to parking, availability of food and refreshments, and access to venue areas not open to the public. A ticket with no face value and for which no similar ticket is sold by the issuer to the public, shall be valued at the cost of a ticket with the highest face value for the event.”.

#### SEC. 108. BAN ON GIFTS FROM LOBBYISTS.

Paragraph 1(a)(2) of rule XXXV of the Standing Rules of the Senate is amended by—

(1) inserting “(A)” after “(2)”;

(2) adding at the end the following:

“(B) This clause shall not apply to a gift from a registered lobbyist or an agent of a foreign principal.”.

#### SEC. 109. TRAVEL RESTRICTIONS AND DISCLOSURE.

(a) **IN GENERAL.**—Paragraph 2 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

“(f)(1) Before a Member, officer, or employee may accept transportation or lodging otherwise permissible under this paragraph from any person, other than a governmental entity, such Member, officer, or employee shall—

“(A) obtain a written certification from such person (and provide a copy of such certification to the Select Committee on Ethics) that—

“(i) the trip was not financed in whole, or in part, by a registered lobbyist or foreign agent;

“(ii) the person did not accept, directly or indirectly, funds from a registered lobbyist or foreign agent specifically earmarked for the purpose of financing the travel expenses;

“(iii) the trip was not planned, organized, or arranged by or at the request of a registered lobbyist or foreign agent; and

“(iv) registered lobbyists will not participate in or attend the trip;

“(B) provide the Select Committee on Ethics (in the case of an employee, from the supervising Member or officer), in writing—

“(i) a detailed itinerary of the trip; and

“(ii) a determination that the trip—

“(I) is primarily educational (either for the invited person or for the organization sponsoring the trip);

“(II) is consistent with the official duties of the Member, officer, or employee;

“(III) does not create an appearance of use of public office for private gain; and

“(iii) has a minimal or no recreational component; and

“(C) obtain written approval of the trip from the Select Committee on Ethics.

“(2) Not later than 30 days after completion of travel, approved under this subparagraph, the Member, officer, or employee shall file with the Select Committee on Ethics and the Secretary of the Senate a description of meetings and events attended during such travel and the names of any registered lobbyist who accompanied the Member, officer, or employee during the travel, except when disclosure of such information is deemed by the Member or supervisor under whose direct supervision the employee is employed to jeopardize the safety of an individual or adversely affect national security. Such information shall also be posted on the Member's official website not later than 30 days after the completion of the travel, except when disclosure of such information is deemed by the Member to jeopardize the safety of an individual or adversely affect national security.”.

(b) DISCLOSURE OF NONCOMMERCIAL AIR TRAVEL.—

(1) RULES.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate, as amended by subsection (a), is amended by adding at the end the following:

“(g) A Member, officer, or employee of the Senate shall—

“(1) disclose a flight on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, excluding a flight on an aircraft owned, operated, or leased by a governmental entity, taken in connection with the duties of the Member, officer, or employee as an officeholder or Senate officer or employee; and

“(2) with respect to the flight, file a report with the Secretary of the Senate, including the date, destination, and owner or lessee of the aircraft, the purpose of the trip, and the persons on the trip, except for any person flying the aircraft.”.

(2) FECA.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended—

(A) by striking “and” at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8) and inserting “; and”; and

(C) by adding at the end the following:

“(9) in the case of a principal campaign committee of a candidate (other than a candidate for election to the office of President or Vice President), any flight taken by the candidate (other than a flight designated to transport the President, Vice President, or a candidate for election to the office of President or Vice President) during the reporting period on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, together with the following information:

“(A) The date of the flight.

“(B) The destination of the flight.

“(C) The owner or lessee of the aircraft.

“(D) The purpose of the flight.

“(E) The persons on the flight, except for any person flying the aircraft.”.

(c) PUBLIC AVAILABILITY.—Paragraph 2(e) of rule XXXV of the Standing Rules of the Senate is amended to read as follows:

“(e) The Secretary of the Senate shall make available to the public all disclosures filed pursuant to subparagraphs (f) and (g) as soon as possible after they are received and such matters shall be posted on the Member's official website but no later than 30 days after the trip or flight.”.

#### SEC. 110. RESTRICTIONS ON FORMER OFFICERS, EMPLOYEES, AND ELECTED OFFICIALS OF THE EXECUTIVE AND LEGISLATIVE BRANCH.

(a) IN GENERAL.—Section 207 of title 18, United States Code, is amended—

(1) in subsection (i)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(4) the term ‘tribe’ has the meaning given that term in section 19 of the Act of June 18, 1934 (commonly known as the ‘Indian Reorganization Act’) (25 U.S.C. 479).”; and

(2) in subsection (j)—

(A) in paragraph (1), by striking “or local” and inserting “, local, or tribal”; and

(B) in paragraph (2)—

(i) in the paragraph heading, by striking “AND LOCAL” and inserting “, LOCAL, AND TRIBAL”; and

(ii) in subparagraph (A), by striking “or local” and inserting “, local, or tribal”.

(b) CONFORMING AMENDMENT.—Section 104 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i) is amended by striking subsection (j).

#### SEC. 111. POST EMPLOYMENT RESTRICTIONS.

(a) IN GENERAL.—Paragraph 9 of rule XXXVII of the Standing Rules of the Senate is amended by—

(1) designating the first sentence as subparagraph (a);

(2) designating the second sentence as subparagraph (b); and

(3) adding at the end the following:

“(c) If an employee on the staff of a Member or on the staff of a committee whose rate of pay is equal to or greater than 75 percent of the rate of pay of a Member and employed at such rate for more than 60 days in a calendar year, upon leaving that position, becomes a registered lobbyist under the Lobbying Disclosure Act of 1995, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, such employee may not lobby any Member, officer, or employee of the Senate for a period of 1 year after leaving that position.”.

(b) EFFECTIVE DATE.—This section shall take effect 60 days after the date of enactment of this title.

#### SEC. 112. DISCLOSURE BY MEMBERS OF CONGRESS AND STAFF OF EMPLOYMENT NEGOTIATIONS.

Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

“14. (a) A Member shall not directly negotiate or have any arrangement concerning prospective private employment until after his or her successor has been elected, unless such Member files a statement with the Secretary of the Senate, for public disclosure, regarding such negotiations or arrangements within 3 business days after the commencement of such negotiation or arrangement, including the name of the private entity or entities involved in such negotiations or arrangements, the date such negotiations or arrangements commenced, and must be signed by the Member.

“(b) A Member shall not directly negotiate or have any arrangement concerning prospective employment until after his or her successor has been elected for a job involving lobbying activities as defined by the Lobbying Disclosure Act of 1995.

“(c) (1) An employee of the Senate earning in excess of 75 percent of the salary paid to a Senator shall notify the Committee on Ethics that he or she is negotiating or has any arrangement concerning prospective private employment.

“(2) The disclosure and notification under this subparagraph shall be made within 3 business days after the commencement of such negotiation or arrangement.

“(3) An employee to whom this subparagraph applies shall recuse himself or herself from any matter in which there is a conflict of interest or an appearance of a conflict for that employee under this rule and notify the Select Committee on Ethics of such recusal.”.

#### SEC. 113. PROHIBIT OFFICIAL CONTACT WITH SPOUSE OR IMMEDIATE FAMILY MEMBER OF MEMBER WHO IS A REGISTERED LOBBYIST.

Rule XXXVII of the Standing Rules of the Senate is amended by—

(1) redesignating paragraphs 10 through 12 as paragraphs 11 through 13, respectively; and

(2) inserting after paragraph 9, the following:

“10. (a) If a Member's spouse or immediate family member is a registered lobbyist under the Lobbying Disclosure Act of 1995, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, the Member shall prohibit all staff employed by that Member (including staff in personal, committee, and leadership offices) from having any official contact with the

Member's spouse or immediate family member.

“(b) In this paragraph, the term ‘immediate family member’ means the son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of the Member.”.

#### SEC. 114. INFLUENCING HIRING DECISIONS.

Rule XLIII of the Standing Rules of the Senate is amended by adding at the end the following:

“6. No Member shall, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

“(1) take or withhold, or offer or threaten to take or withhold, an official act; or

“(2) influence, or offer or threaten to influence the official act of another.”.

#### SEC. 115. SENSE OF THE SENATE THAT ANY APPLICABLE RESTRICTIONS ON CONGRESSIONAL BRANCH EMPLOYEES SHOULD APPLY TO THE EXECUTIVE AND JUDICIAL BRANCHES.

It is the sense of the Senate that any applicable restrictions on Congressional branch employees in this title should apply to the Executive and Judicial branches.

#### SEC. 116. AMOUNTS OF COLA ADJUSTMENTS NOT PAID TO CERTAIN MEMBERS OF CONGRESS.

(a) IN GENERAL.—Any adjustment under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to the cost-of-living adjustments for Members of Congress) shall not be paid to any Member of Congress who voted for any amendment (or against the tabling of any amendment) that provided that such adjustment would not be made.

(b) DEPOSIT IN TREASURY.—Any amount not paid to a Member of Congress under subsection (a) shall be transmitted to the Treasury for deposit in the appropriations account under the subheading “MEDICAL SERVICES” under the heading “VETERANS HEALTH ADMINISTRATION”.

(c) ADMINISTRATION.—The salary of any Member of Congress to whom subsection (a) applies shall be deemed to be the salary in effect after the application of that subsection, except that for purposes of determining any benefit (including any retirement or insurance benefit), the salary of that Member of Congress shall be deemed to be the salary that Member of Congress would have received, but for that subsection.

(d) EFFECTIVE DATE.—This section shall take effect on the first day of the first applicable pay period beginning on or after February 1, 2008.

#### SEC. 117. REQUIREMENT OF NOTICE OF INTENT TO PROCEED.

(a) IN GENERAL.—The majority and minority leaders of the Senate or their designees shall recognize a notice of intent of a Senator who is a member of their caucus to object to proceeding to a measure or matter only if the Senator—

(1) submits the notice of intent in writing to the appropriate leader or their designee; and

(2) within 3 session days after the submission under paragraph (1), submits for inclusion in the Congressional Record and in the applicable calendar section described in subsection (b) the following notice:

“I, Senator \_\_\_\_, intend to object to proceeding to \_\_\_\_, dated \_\_\_\_.”.

(b) CALENDAR.—The Secretary of the Senate shall establish, for both the Senate Calendar of Business and the Senate Executive Calendar, a separate section entitled “Notices of Intent to Object to Proceeding”. Each section shall include the name of each Senator filing a notice under subsection

(a)(2), the measure or matter covered by the calendar that the Senator objects to, and the date the objection was filed.

(c) **REMOVAL.**—A Senator may have an item with respect to the Senator removed from a calendar to which it was added under subsection (b) by submitting for inclusion in the Congressional Record the following notice:

"I, Senator \_\_\_\_, do not object to proceeding to \_\_\_\_, dated \_\_\_\_."

#### SEC. 118. CBO SCORING REQUIREMENT.

(a) **IN GENERAL.**—It shall not be in order in the Senate to consider a report of a committee of conference unless an official written cost estimate or table by the Congressional Budget Office is available at the time of consideration.

(b) **SUPERMAJORITY REQUIREMENT.**—This section may be waived or suspended in the Senate only by an affirmative vote of 3/5 of the Members, duly chosen and sworn. An affirmative vote of 3/5 of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

#### SEC. 119. EFFECTIVE DATE.

Except as otherwise provided in this title, this title shall take effect on the date of enactment of this title.

### TITLE II—LOBBYING TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

#### SEC. 201. SHORT TITLE.

This title may be cited as the "Legislative Transparency and Accountability Act of 2007".

#### Subtitle A—Enhancing Lobbying Disclosure

#### SEC. 211. QUARTERLY FILING OF LOBBYING DISCLOSURE REPORTS.

(a) **QUARTERLY FILING REQUIRED.**—Section 5 of the Lobbying Disclosure Act of 1995 (in this title referred to as the "Act") (2 U.S.C. 1604) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking "Semiannual" and inserting "Quarterly"; and

(B) by striking the first sentence and inserting the following: "Not later than 45 days after the end of the quarterly period beginning on the 20th day of January, April, July, and October of each year or on the first business day after the 20th day if that day is not a business day in which a registrant is registered with the Secretary of the Senate and the Clerk of the House of Representatives on its lobbying activities during such quarterly period."; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "semiannual report" and inserting "quarterly report";

(B) in paragraph (2), by striking "semiannual filing period" and inserting "quarterly period";

(C) in paragraph (3), by striking "semiannual period" and inserting "quarterly period"; and

(D) in paragraph (4), by striking "semiannual filing period" and inserting "quarterly period".

(b) **CONFORMING AMENDMENTS.**—

(1) **DEFINITION.**—Section 3(10) of the Act (2 U.S.C. 1602) is amended by striking "six month period" and inserting "three-month period".

(2) **REGISTRATION.**—Section 4 of the Act (2 U.S.C. 1603) is amended—

(A) in subsection (a)(3)(A), by striking "semiannual period" and inserting "quarterly period"; and

(B) in subsection (b)(3)(A), by striking "semiannual period" and inserting "quarterly period".

(3) **ENFORCEMENT.**—Section 6(a)(6) of the Act (2 U.S.C. 1605(6)) is amended by striking

"semiannual period" and inserting "quarterly period".

(4) **ESTIMATES.**—Section 15 of the Act (2 U.S.C. 1610) is amended—

(A) in subsection (a)(1), by striking "semiannual period" and inserting "quarterly period"; and

(B) in subsection (b)(1), by striking "semiannual period" and inserting "quarterly period".

(5) **DOLLAR AMOUNTS.**—

(A) **REGISTRATION.**—Section 4 of the Act (2 U.S.C. 1603) is amended—

(i) in subsection (a)(3)(A)(i), by striking "\$5,000" and inserting "\$2,500";

(ii) in subsection (a)(3)(A)(ii), by striking "\$20,000" and inserting "\$10,000";

(iii) in subsection (b)(3)(A), by striking "\$10,000" and inserting "\$5,000"; and

(iv) in subsection (b)(4), by striking "\$10,000" and inserting "\$5,000".

(B) **REPORTS.**—Section 5 of the Act (2 U.S.C. 1604) is amended—

(i) in subsection (c)(1), by striking "\$10,000" and "\$20,000" and inserting "\$5,000" and "\$10,000", respectively; and

(ii) in subsection (c)(2), by striking "\$10,000" both places such term appears and inserting "\$5,000".

#### SEC. 212. QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.

Section 5 of the Act (2 U.S.C. 1604) is amended by adding at the end of the following:

"(d) **QUARTERLY REPORTS ON CONTRIBUTIONS.**—Not later than 45 days after the end of the quarterly period beginning on the 20th day of January, April, July, and October of each year or on the first business day after the 20th if that day is not a business day, each registrant under section 4(a)(1) or (2), and each employee who is listed as a lobbyist under a current filing under section 4 or 5, shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

"(1) the name of the registrant or covered lobbyist;

"(2) the employer of the lobbyist, in the case of an employee listed as a covered lobbyist;

"(3) in the case of a covered lobbyist, the date, amount, and recipient of each contribution made within the past quarter for each federal candidate or officeholder, leadership PAC, or political party committee for whom the employee has made aggregate contributions equal to or exceeding \$200 during the calendar year;

"(4) in the case of a covered lobbyist, the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom a fundraising event was hosted, co-hosted, or otherwise sponsored by the lobbyist within the past quarter, and the date and location of the event; and

"(5) the name of each covered legislative branch official or covered executive branch official for whom the registrant or covered lobbyist provided, or directed or arranged to be provided, within the past quarter, any payment or reimbursements for travel and related expenses in connection with the duties of such covered official, including for each such official—

"(A) an itemization of the payments or reimbursements provided to finance the travel and related expenses and to whom the payments or reimbursements were made with the express or implied understanding or agreement that such funds will be used for travel and related expenses;

"(B) the purpose and final itinerary of the trip, including a description of all meetings, tours, events, and outings attended;

"(C) whether the registrant or lobbyist traveled on any such travel;

"(D) the identity of the listed sponsor or sponsors of such travel; and

"(E) the identity of any person or entity, other than the listed sponsor or sponsors of the travel, which directly or indirectly provided for payment of travel and related expenses at the request or suggestion of the registrant or the lobbyist;

"(6) the date, recipient, and amount of funds contributed or disbursed by, or arranged by, the registrant or covered lobbyist within the last quarter—

"(A) to pay the cost of an event to honor or recognize a covered legislative branch official or covered legislative branch official;

"(B) to, or on behalf of, an entity that is named for a covered legislative branch official, or to a person or entity in recognition of such official;

"(C) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered legislative branch official, or an entity designated by such official; or

"(D) to pay the costs of a meeting, retreat, conference, or other similar event held by, or for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials;

except that this paragraph shall not apply to any payment or reimbursement made from funds required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434);

"(7) the date, recipient, and amount of any gift (that under the rules of the House of Representatives or Senate counts towards the \$100 cumulative annual limit described in such rules) valued in excess of \$20 given by the registrant or covered lobbyist within the past quarter to a covered legislative branch official or covered executive branch official; and

"(8) the name of each Presidential library foundation and Presidential inaugural committee, to whom contributions equal to or exceeding \$200 were made by the registrant or covered lobbyist during the past quarter, and the date and amount of such contribution.

For purposes of this subsection, the term 'covered lobbyist' means a lobbyist listed on a report under section 4(a)(1), section 4(b)(6), or section 5(b)(2)(C) that was required to be filed on the same day as the report filed under this subsection. For purposes of paragraph (7), the term 'gift' means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred."

#### SEC. 213. ADDITIONAL DISCLOSURE.

Section 5(b) of the Act (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (3), by striking "and" after the semicolon;

(2) in paragraph (4), by striking the period and inserting a semicolon; and

(3) by adding at the end of the following:

"(5) for each client, immediately after listing the client, an identification of whether the client is a public entity, including a State or local government or a department, agency, special purpose district, or other instrumentality controlled by a State or local government, or a private entity."

#### SEC. 214. PUBLIC DATABASE OF LOBBYING DISCLOSURE INFORMATION.

(a) **DATABASE REQUIRED.**—Section 6 of the Act (2 U.S.C. 1605) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

“(9) maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, an electronic database that—

“(A) includes the information contained in registrations and reports filed under this Act;

“(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

“(C) is searchable and sortable, at a minimum, by each of the categories of information described in section 4(b) or 5(b).”.

(b) AVAILABILITY OF REPORTS.—Section 6(a)(4) of the Act is amended by inserting before the semicolon the following: “and, in the case of a report filed in electronic form under section 5(e), shall make such report available for public inspection over the Internet not more than 48 hours after the report is filed”.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (9) of section 6(a) of the Act, as added by subsection (a).

**SEC. 215. DISCLOSURE BY REGISTERED LOBBYISTS OF ALL PAST EXECUTIVE AND CONGRESSIONAL EMPLOYMENT.**

Section 4(b)(6) of the Act (2 U.S.C. 1603) is amended by striking “or a covered legislative branch official” and all that follows through “as a lobbyist on behalf of the client,” and inserting “or a covered legislative branch official,”.

**SEC. 216. INCREASED PENALTY FOR FAILURE TO COMPLY WITH LOBBYING DISCLOSURE REQUIREMENTS.**

Section 7 of the Act (2 U.S.C. 1606) is amended by striking “\$50,000” and inserting “\$100,000”.

**SEC. 217. DISCLOSURE OF LOBBYING ACTIVITIES BY CERTAIN COALITIONS AND ASSOCIATIONS.**

(a) IN GENERAL.—Section 4(b)(3)(B) of the Act (2 U.S.C. 1603(b)(3)(B)) is amended to read as follows:

“(B) participates in a substantial way in the planning, supervision, or control of such lobbying activities;”.

(b) NO DONOR OR MEMBERSHIP LIST DISCLOSURE.—Section 4(b) of the Act (2 U.S.C. 1603(b)) is amended by adding at the end the following:

“No disclosure is required under paragraph (3)(B) if it is publicly available knowledge that the organization that would be identified is affiliated with the client or has been publicly disclosed to have provided funding to the client, unless the organization in whole or in major part plans, supervises, or controls such lobbying activities. Nothing in paragraph (3)(B) shall be construed to require the disclosure of any information about individuals who are members of, or donors to, an entity treated as a client by this Act or an organization identified under that paragraph.”.

**SEC. 218. DISCLOSURE OF ENFORCEMENT FOR NONCOMPLIANCE.**

Section 6 of the Act (2 U.S.C. 1605) is amended—

(1) by inserting “(a)” before “The Secretary of the Senate”;;

(2) in paragraph (8), by striking “and” at the end;

(3) in paragraph (9), by striking the period and inserting “; and”;;

(4) after paragraph (9), by inserting the following:

“(10) make publicly available the aggregate number of lobbyists and lobbying firms, separately accounted, referred to the United

States Attorney for the District of Columbia for noncompliance as required by paragraph (8) on a semi annual basis”;; and

(5) by inserting at the end the following:

“(b) ENFORCEMENT REPORT.—The United States Attorney for the District of Columbia shall report to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Government Reform and the Committee on the Judiciary of the House of Representatives on a semi annual basis the aggregate number of enforcement actions taken by the Attorney’s office under this Act and the amount of fines, if any, by case, except that such report shall not include the names of individuals or personally identifiable information.”.

**SEC. 219. ELECTRONIC FILING OF LOBBYING DISCLOSURE REPORTS.**

Section 5 of the Act (2 U.S.C. 1604) is amended by adding at the end the following:

“(e) ELECTRONIC FILING REQUIRED.—A report required to be filed under this section shall be filed in electronic form, in addition to any other form. The Secretary of the Senate and the Clerk of the House of Representatives shall use the same electronic software for receipt and recording of filings under this Act.”.

**SEC. 220. DISCLOSURE OF PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.**

(a) DEFINITIONS.—Section 3 of the Act (2 U.S.C. 1602) is amended—

(1) in paragraph (7), by adding at the end of the following: “Lobbying activities include paid efforts to stimulate grassroots lobbying, but do not include grassroots lobbying.”; and

(2) by adding at the end of the following:

“(17) GRASSROOTS LOBBYING.—The term ‘grassroots lobbying’ means the voluntary efforts of members of the general public to communicate their own views on an issue to Federal officials or to encourage other members of the general public to do the same.”.

“(18) PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—

“(A) IN GENERAL.—The term ‘paid efforts to stimulate grassroots lobbying’ means any paid attempt in support of lobbying contacts on behalf of a client to influence the general public or segments thereof to contact 1 or more covered legislative or executive branch officials (or Congress as a whole) to urge such officials (or Congress) to take specific action with respect to a matter described in section 3(8)(A), except that such term does not include any communications by an entity directed to its members, employees, officers, or shareholders.”.

“(B) PAID ATTEMPT TO INFLUENCE THE GENERAL PUBLIC OR SEGMENTS THEREOF.—The term ‘paid attempt to influence the general public or segments thereof’ does not include an attempt to influence directed at less than 500 members of the general public.”.

“(C) REGISTRANT.—For purposes of this paragraph, a person or entity is a member of a registrant if the person or entity—

“(i) pays dues or makes a contribution of more than a nominal amount to the entity;

“(ii) makes a contribution of more than a nominal amount of time to the entity;

“(iii) is entitled to participate in the governance of the entity;

“(iv) is 1 of a limited number of honorary or life members of the entity; or

“(v) is an employee, officer, director or member of the entity.”.

“(19) GRASSROOTS LOBBYING FIRM.—The term ‘grassroots lobbying firm’ means a person or entity that—

“(A) is retained by 1 or more clients to engage in paid efforts to stimulate grassroots lobbying on behalf of such clients; and

“(B) receives income of, or spends or agrees to spend, an aggregate of \$25,000 or more for such efforts in any quarterly period.”.

(b) REGISTRATION.—Section 4(a) of the Act (2 U.S.C. 1603(a)) is amended—

(1) in the flush matter at the end of paragraph (3)(A), by adding at the end the following: “For purposes of clauses (i) and (ii), the term ‘lobbying activities’ shall not include paid efforts to stimulate grassroots lobbying.”; and

(2) by inserting after paragraph (3) the following:

“(4) FILING BY GRASSROOTS LOBBYING FIRMS.—Not later than 45 days after a grassroots lobbying firm first is retained by a client to engage in paid efforts to stimulate grassroots lobbying, such grassroots lobbying firm shall register with the Secretary of the Senate and the Clerk of the House of Representatives.”.

(c) SEPARATE ITEMIZATION OF PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—Section 5(b) of the Act (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (3), by—

(A) inserting after “total amount of all income” the following: “(including a separate good faith estimate of the total amount of income relating specifically to paid efforts to stimulate grassroots lobbying and, within that amount, a good faith estimate of the total amount specifically relating to paid advertising);”; and

(B) inserting “or a grassroots lobbying firm” after “lobbying firm”;;

(2) in paragraph (4), by inserting after “total expenses” the following: “(including a good faith estimate of the total amount of expenses relating specifically to paid efforts to stimulate grassroots lobbying and, within that total amount, a good faith estimate of the total amount specifically relating to paid advertising);”; and

(3) by adding at the end the following:

“Subparagraphs (B) and (C) of paragraph (2) shall not apply with respect to reports relating to paid efforts to stimulate grassroots lobbying activities.”.

(d) GOOD FAITH ESTIMATES AND DE MINIMIS RULES FOR PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—

(1) IN GENERAL.—Section 5(c) of the Act (2 U.S.C. 1604(c)) is amended to read as follows:

“(c) ESTIMATES OF INCOME OR EXPENSES.—For purposes of this section, the following shall apply:

“(1) Estimates of income or expenses shall be made as follows:

“(A) Estimates of amounts in excess of \$10,000 shall be rounded to the nearest \$20,000.

“(B) In the event income or expenses do not exceed \$10,000, the registrant shall include a statement that income or expenses totaled less than \$10,000 for the reporting period.”.

“(2) Estimates of income or expenses relating specifically to paid efforts to stimulate grassroots lobbying shall be made as follows:

“(A) Estimates of amounts in excess of \$25,000 shall be rounded to the nearest \$20,000.

“(B) In the event income or expenses do not exceed \$25,000, the registrant shall include a statement that income or expenses totaled less than \$25,000 for the reporting period.”.

(2) TAX REPORTING.—Section 15 of the Act (2 U.S.C. 1610) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking “and” after the semicolon;

(ii) in paragraph (2), by striking the period and inserting “; and”;;

(iii) by adding at the end the following:

“(3) in lieu of using the definition of paid efforts to stimulate grassroots lobbying in

section 3(18), consider as paid efforts to stimulate grassroots lobbying only those activities that are grassroots expenditures as defined in section 4911(c)(3) of the Internal Revenue Code of 1986.”; and

(B) in subsection (b)—

(i) in paragraph (1), by striking “and” after the semicolon;

(ii) in paragraph (2), by striking the period and inserting “; and”; and

(iii) by adding at the end the following:

“(3) in lieu of using the definition of paid efforts to stimulate grassroots lobbying in section 3(18), consider as paid efforts to stimulate grassroots lobbying only those activities that are grassroots expenditures as defined in section 4911(c)(3) of the Internal Revenue Code of 1986.”.

#### **SEC. 221. ELECTRONIC FILING AND PUBLIC DATABASE FOR LOBBYISTS FOR FOREIGN GOVERNMENTS.**

(a) **ELECTRONIC FILING.**—Section 2 of the Foreign Agents Registration Act (22 U.S.C. 612) is amended by adding at the end the following new subsection:

“(g) **ELECTRONIC FILING OF REGISTRATION STATEMENTS AND UPDATES.**—A registration statement or update required to be filed under this section shall be filed in electronic form, in addition to any other form that may be required by the Attorney General.”.

(b) **PUBLIC DATABASE.**—Section 6 of the Foreign Agents Registration Act (22 U.S.C. 616) is amended by adding at the end the following new subsection:

“(d) **PUBLIC DATABASE OF REGISTRATION STATEMENTS AND UPDATES.**—

“(1) **IN GENERAL.**—The Attorney General shall maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, an electronic database that—

“(A) includes the information contained in registration statements and updates filed under this Act;

“(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

“(C) is searchable and sortable, at a minimum, by each of the categories of information described in section 2(a).

“(2) **ACCOUNTABILITY.**—Each registration statement and update filed in electronic form pursuant to section 2(g) shall be made available for public inspection over the Internet not more than 48 hours after the registration statement or update is filed.”.

#### **SEC. 222. ADDITIONAL LOBBYING DISCLOSURE REQUIREMENTS.**

Section 5(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(b)) is amended by adding at the end the following:

“(8) a certification that the lobbying firm, or registrant, and each employee listed as a lobbyist under section 4(b)(6) or 5(b)(2)(C) for that lobbying firm or registrant, has not provided, requested, or directed a gift, including travel, to a Member or employee of Congress in violation rule XXXV of the Standing Rules of the Senate or rule XXV of the Rules of the House of Representatives.”.

#### **SEC. 223. INCREASED CRIMINAL PENALTIES FOR FAILURE TO COMPLY WITH LOBBYING DISCLOSURE REQUIREMENTS.**

Section 7 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is amended—

(1) by inserting “(a) **CIVIL PENALTY.**—” before “Whoever”; and

(2) by adding at the end the following:

“(b) **CRIMINAL PENALTY.**—Whoever knowingly, willfully, and corruptly fails to comply with any provision of this section shall

be imprisoned for not more than 10 years, or fined under title 18, United States Code, or both.”.

#### **SEC. 224. EFFECTIVE DATE.**

This subtitle and the amendments made by this subtitle shall take effect January 1, 2008.

#### **Subtitle B—Oversight of Ethics and Lobbying**

##### **SEC. 231. COMPTROLLER GENERAL AUDIT AND ANNUAL REPORT.**

(a) **AUDIT REQUIRED.**—The Comptroller General shall audit on an annual basis lobbying registration and reports filed under the Lobbying Disclosure Act of 1995 to determine the extent of compliance or noncompliance with the requirements of that Act by lobbyists and their clients.

(b) **ANNUAL REPORTS.**—Not later than April 1 of each year, the Comptroller General shall submit to Congress a report on the review required by subsection (a). The report shall include the Comptroller General’s assessment of the matters required to be emphasized by that subsection and any recommendations of the Comptroller General to—

(1) improve the compliance by lobbyists with the requirements of that Act; and

(2) provide the Secretary of the Senate and the Clerk of the House of Representatives with the resources and authorities needed for effective oversight and enforcement of that Act.

##### **SEC. 232. MANDATORY SENATE ETHICS TRAINING FOR MEMBERS AND STAFF.**

(a) **TRAINING PROGRAM.**—The Select Committee on Ethics shall conduct ongoing ethics training and awareness programs for Members of the Senate and Senate staff.

(b) **REQUIREMENTS.**—The ethics training program conducted by the Select Committee on Ethics shall be completed by—

(1) new Senators or staff not later than 60 days after commencing service or employment; and

(2) Senators and Senate staff serving or employed on the date of enactment of this Act not later than 120 days after the date of enactment of this Act.

##### **SEC. 233. SENSE OF THE SENATE REGARDING SELF-REGULATION WITHIN THE LOBBYING COMMUNITY.**

It is the sense of the Senate that the lobbying community should develop proposals for multiple self-regulatory organizations which could provide—

(1) for the creation of standards for the organizations appropriate to the type of lobbying and individuals to be served;

(2) training for the lobbying community on law, ethics, reporting requirements, and disclosure requirements;

(3) for the development of educational materials for the public on how to responsibly hire a lobbyist or lobby firm;

(4) standards regarding reasonable fees to clients;

(5) for the creation of a third-party certification program that includes ethics training; and

(6) for disclosure of requirements to clients regarding fee schedules and conflict of interest rules.

##### **SEC. 234. ANNUAL ETHICS COMMITTEES REPORTS.**

The Committee on Standards of Official Conduct of the House of Representatives and the Select Committee on Ethics of the Senate shall each issue an annual report due no later than January 31, describing the following:

(1) The number of alleged violations of Senate or House rules including the number received from third parties, from Members or staff within each House, or inquiries raised by

a Member or staff of the respective House or Senate committee.

(2) A list of the number of alleged violations that were dismissed—

(A) for lack of subject matter jurisdiction; or

(B) because they failed to provide sufficient facts as to any material violation of the House or Senate rules beyond mere allegation or assertion.

(3) The number of complaints in which the committee staff conducted a preliminary inquiry.

(4) The number of complaints that staff presented to the committee with recommendations that the complaint be dismissed.

(5) The number of complaints that the staff presented to the committee with recommendation that the investigation proceed.

(6) The number of ongoing inquiries.

(7) The number of complaints that the committee dismissed for lack of substantial merit.

(8) The number of private letters of admonition or public letters of admonition issued.

(9) The number of matters resulting in a disciplinary sanction.

#### **Subtitle C—Slowing the Revolving Door**

##### **SEC. 241. AMENDMENTS TO RESTRICTIONS ON FORMER OFFICERS, EMPLOYEES, AND ELECTED OFFICIALS OF THE EXECUTIVE AND LEGISLATIVE BRANCHES.**

(a) **VERY SENIOR EXECUTIVE PERSONNEL.**—The matter after subparagraph (C) in section 207(d)(1) of title 18, United States Code, is amended by striking “within 1 year” and inserting “within 2 years”.

(b) **RESTRICTIONS ON LOBBYING BY MEMBERS OF CONGRESS AND EMPLOYEES OF CONGRESS.**—Subsection (e) of section 207 of title 18, United States Code, is amended—

(1) in paragraph (1)(A), by striking “within 1 year” and inserting “within 2 years”;

(2) by striking paragraphs (2) through (5) and inserting the following:

“(2) **CONGRESSIONAL STAFF.**—

“(A) **PROHIBITION.**—Any person who is an employee of a House of Congress and who, within 1 year after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

“(B) **CONTACT PERSONS COVERED.**—Persons referred to in subparagraph (A) with respect to appearances or communications are any Member, officer, or employee of the House of Congress in which the person subject to subparagraph (A) was employed. This subparagraph shall not apply to contacts with staff of the Secretary of the Senate or the Clerk of the House of Representatives regarding compliance with lobbying disclosure requirements under the Lobbying Disclosure Act of 1995.”;

(3) in paragraph (6)—

(A) by striking “paragraphs (2), (3), and (4)” and inserting “paragraph (2)”;

(B) by striking “(A)”;

(C) by striking subparagraph (B); and

(D) by redesignating the paragraph as paragraph (3); and

(4) by redesignating paragraph (7) as paragraph (4).

(c) **EFFECTIVE DATE.**—The amendments made by subsection (b) shall take effect 60 days after the date of enactment of this Act.

**Subtitle D—Ban on Provision of Gifts or Travel by Lobbyists in Violation of the Rules of Congress**

**SEC. 251. PROHIBITION ON PROVISION OF GIFTS OR TRAVEL BY REGISTERED LOBBYISTS TO MEMBERS OF CONGRESS AND TO CONGRESSIONAL EMPLOYEES.**

The Lobbying Disclosure Act of 1995 is amended by adding at the end the following:

**“SEC. 25. PROHIBITION ON PROVISION OF GIFTS OR TRAVEL BY REGISTERED LOBBYISTS TO MEMBERS OF CONGRESS AND TO CONGRESSIONAL EMPLOYEES.**

“(a) PROHIBITION.—Persons described in subsection (b) may not make a gift or provide travel to a Member, Delegate, Resident Commissioner, officer, or employee of Congress, if the person has knowledge that the gift or travel may not be accepted under the rules of the House of Representatives or the Senate.

“(b) PERSONS SUBJECT TO PROHIBITION.—The persons subject to the prohibition in subsection (a) are any lobbyist that registers under section 4(a)(1), any organization that employs 1 or more lobbyists and registers under section 4(a)(2), and any employee listed as a lobbyist by a registrant under section 4(b)(6).

“(c) PENALTY.—Any person who violates this section shall be subject to the penalties provided in section 7.”.

**Subtitle E—Commission to Strengthen Confidence in Congress Act of 2007**

**SEC. 261. SHORT TITLE.**

This subtitle may be cited as the “Commission to Strengthen Confidence in Congress Act of 2007”.

**SEC. 262. ESTABLISHMENT OF COMMISSION.**

There is established in the legislative branch a commission to be known as the “Commission to Strengthen Confidence in Congress” (in this subtitle referred to as the “Commission”).

**SEC. 263. PURPOSES.**

The purposes of the Commission are to—

(1) evaluate and report the effectiveness of current congressional ethics requirements, if penalties are enforced and sufficient, and make recommendations for new penalties;

(2) weigh the need for improved ethical conduct with the need for lawmakers to have access to expertise on public policy issues;

(3) determine whether the current system for enforcing ethics rules and standards of conduct is sufficiently effective and transparent;

(4) determine whether the statutory framework governing lobbying disclosure should be expanded to include additional means of attempting to influence Members of Congress, senior staff, and high-ranking executive branch officials;

(5) analyze and evaluate the changes made by this Act to determine whether additional changes need to be made to uphold and enforce standards of ethical conduct and disclosure requirements; and

(6) investigate and report to Congress on its findings, conclusions, and recommendations for reform.

**SEC. 264. COMPOSITION OF COMMISSION.**

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) the chair and vice chair shall be selected by agreement of the majority leader and minority leader of the House of Representatives and the majority leader and minority leader of the Senate;

(2) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party, 1 of which is a former member of the Senate;

(3) 2 members shall be appointed by the senior member of the Senate leadership of

the Democratic Party, 1 of which is a former member of the Senate;

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party, 1 of which is a former member of the House of Representatives; and

(5) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party, 1 of which is a former member of the House of Representatives.

(b) QUALIFICATIONS; INITIAL MEETING.—

(1) POLITICAL PARTY AFFILIATION.—Five members of the Commission shall be Democrats and 5 Republicans.

(2) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in professions such as governmental service, government consulting, government contracting, the law, higher education, historian, business, public relations, and fundraising.

(4) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed on a date 3 months after the date of enactment of this Act.

(5) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(c) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

**SEC. 265. FUNCTIONS OF COMMISSION.**

The functions of the Commission are to submit to Congress a report required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules and regulations—

(1) related to section 263; or

(2) related to any other areas the commission unanimously votes to be relevant to its mandate to recommend reforms to strengthen ethical safeguards in Congress.

**SEC. 266. POWERS OF COMMISSION.**

(a) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this title hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths.

(b) OBTAINING INFORMATION.—Upon request of the Commission, the head of any agency or instrumentality of the Federal Government shall furnish information deemed necessary by the panel to enable it to carry out its duties.

(c) LIMIT ON COMMISSION AUTHORITY.—The Commission shall not conduct any law enforcement investigation, function as a court of law, or otherwise usurp the duties and responsibilities of the ethics committee of the House of Representatives or the Senate.

**SEC. 267. ADMINISTRATION.**

(a) COMPENSATION.—Except as provided in subsection (b), members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(b) TRAVEL EXPENSES AND PER DIEM.—Each member of the Commission shall receive

travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) STAFF AND SUPPORT SERVICES.—

(1) STAFF DIRECTOR.—

(A) APPOINTMENT.—The Chair (or Co-Chairs) in accordance with the rules agreed upon by the Commission shall appoint a staff director for the Commission.

(B) COMPENSATION.—The staff director shall be paid at a rate not to exceed the rate established for level V of the Executive Schedule under section 5315 of title 5, United States Code.

(2) STAFF.—The Chair (or Co-Chairs) in accordance with the rules agreed upon by the Commission shall appoint such additional personnel as the Commission determines to be necessary.

(3) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff director and other members of the staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(4) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the staff director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) PHYSICAL FACILITIES.—The Architect of the Capitol, in consultation with the appropriate entities in the legislative branch, shall locate and provide suitable office space for the operation of the Commission on a nonreimbursable basis. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for the proper functioning of the Commission.

(e) ADMINISTRATIVE SUPPORT SERVICES AND OTHER ASSISTANCE.—

(1) IN GENERAL.—Upon the request of the Commission, the Architect of the Capitol and the Administrator of General Services shall provide to the Commission on a nonreimbursable basis such administrative support services as the Commission may request.

(2) ADDITIONAL SUPPORT.—In addition to the assistance set forth in paragraph (1), departments and agencies of the United States may provide the Commission such services, funds, facilities, staff, and other support services as the Commission may deem advisable and as may be authorized by law.

(f) USE OF MAIL.—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

(g) PRINTING.—For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of the Congress.

**SEC. 268. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.**

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this title without the appropriate security clearances.

**SEC. 269. COMMISSION REPORTS; TERMINATION.**

(a) ANNUAL REPORTS.—The Commission shall submit—



(1) an initial report to Congress not later than July 1, 2007; and

(2) annual reports to Congress after the report required by paragraph (1);

containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) ADMINISTRATIVE ACTIVITIES.—During the 60-day period beginning on the date of submission of each annual report and the final report under this section, the Commission shall—

(1) be available to provide testimony to committees of Congress concerning such reports; and

(2) take action to appropriately disseminate such reports.

(c) TERMINATION OF COMMISSION.—

(1) FINAL REPORT.—Five years after the date of enactment of this Act, the Commission shall submit to Congress a final report containing information described in subsection (a).

(2) TERMINATION.—The Commission, and all the authorities of this title, shall terminate 60 days after the date on which the final report is submitted under paragraph (1), and the Commission may use such 60-day period for the purpose of concluding its activities.

#### SEC. 270. FUNDING.

There are authorized such sums as necessary to carry out this title.

**SA 4. Mr. REID** (for himself, Mr. DURBIN, Mr. SALAZAR, and Mr. OBAMA) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

Strike sections 108 and 109 and insert the following:

#### SEC. 108. BAN ON GIFTS FROM LOBBYISTS AND ENTITIES THAT HIRE LOBBYISTS.

Paragraph 1(a)(2) of rule XXXV of the Standing Rules of the Senate is amended by—

(1) inserting “(A)” after “(2)”; and

(2) adding at the end the following:

“(B) A Member, officer, or employee may not knowingly accept a gift from a registered lobbyist, an agent of a foreign principal, or a private entity that retains or employs a registered lobbyist or an agent of a foreign principal, except as provided in subparagraph (c).”

#### SEC. 109. RESTRICTIONS ON LOBBYIST PARTICIPATION IN TRAVEL AND DISCLOSURE.

(a) PROHIBITION.—Paragraph 2 of rule XXXV is amended—

(1) in subparagraph (a)(1), by—

(A) adding after “foreign principal” the following: “or a private entity that retains or employs 1 or more registered lobbyists or agents of a foreign principal”; and

(B) striking the dash and inserting “complies with the requirements of this paragraph.”; and

(C) striking clauses (A) and (B);

(2) by redesignating subparagraph (a)(2) as subparagraph (a)(3) and adding after subparagraph (a)(1) the following:

“(2) Notwithstanding clause (1), a reimbursement (including payment in kind) to a Member, officer, or employee of the Senate from an individual other than a registered lobbyist or agent of a foreign principal that is a private entity that retains or employs one or more registered lobbyists or agents of a foreign principal for necessary transportation, lodging, and related expenses for

travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee shall be deemed to be a reimbursement to the Senate under clause (1) if it is, under regulations prescribed by the Select Committee on Ethics to implement this clause, provided only for attendance at or participation for 1-day at an event (exclusive of travel time and an overnight stay) described in clause (1). Regulations to implement this clause, and the committee on a case-by-case basis, may permit a 2-night stay when determined by the committee to be practically required to participate in the event.”

(3) in subparagraph (a)(3), as redesignated, by striking “clause (1)” and inserting “clauses (1) and (2)”;

(4) in subparagraph (b), by inserting before “Each” the following: “Before an employee may accept reimbursement pursuant to subparagraph (a), the employee shall receive advance authorization from the Member or officer under whose direct supervision the employee works to accept reimbursement.”;

(5) in subparagraph (c)—

(A) by inserting before “Each” the following: “Each Member, officer, or employee that receives reimbursement under this paragraph shall disclose the expenses reimbursed or to be reimbursed and authorization (for an employee) to the Secretary of the Senate not later than 30 days after the travel is completed.”;

(B) by striking “subparagraph (a)(1)” and inserting “this subparagraph”;

(C) in clause (5), by striking “and” after the semicolon;

(D) by redesignating clause (6) as clause (7); and

(E) by inserting after clause (5) the following:

“(6) a description of meetings and events attended; and”;

(6) by redesignating subparagraphs (d) and (e) as subparagraphs (f) and (g), respectively;

(7) by adding after subparagraph (c) the following:

“(d) A Member, officer, or employee of the Senate may not accept a reimbursement (including payment in kind) for transportation, lodging, or related expenses under subparagraph (a) for a trip that was planned, organized, or arranged by or at the request of a registered lobbyist or agent of a foreign principal, or on which a lobbyist accompanies the Member, officer, or employee on any segment of the trip. The Select Committee on Ethics shall issue regulations identifying de minimis activities by lobbyists or foreign agents that would not violate this subparagraph.

“(e) A Member, officer, or employee shall, before accepting travel otherwise permissible under this paragraph from any person—

“(1) provide to the Select Committee on Ethics a written certification from such person that—

“(A) the trip will not be financed in any part by a registered lobbyist or agent of a foreign principal;

“(B) the source either—

“(i) does not retain or employ registered lobbyists or agents of a foreign principal and is not itself a registered lobbyist or agent of a foreign principal; or

“(ii) certifies that the trip meets the requirements specified in rules prescribed by the Select Committee on Ethics to implement subparagraph (a)(2);

“(C) the source will not accept from any source funds earmarked directly or indirectly for the purpose of financing the specific trip; and

“(D) the trip will not in any part be planned, organized, requested, or arranged by a registered lobbyist or agent of a foreign

principal and that the traveler will not be accompanied on any segment of the trip by a registered lobbyist or agent of a foreign principal, except as permitted by regulations issued under subparagraph (d), and specifically details the extent of any involvement of a registered lobbyist or agent of a foreign principal; and

“(2) after the Select Committee on Ethics has promulgated regulations mandated in subparagraph (h), obtain the prior approval of the committee for such reimbursement.”;

(8) by striking subparagraph (g), as redesignated, and inserting the following:

“(g) The Secretary of the Senate shall make all advance authorizations, certifications, and disclosures filed pursuant to this paragraph available for public inspection as soon as possible after they are received.”; and

(9) by adding at the end the following:

“(h)(1) Not later than 45 days after the date of adoption of this subparagraph and at annual intervals thereafter, the Select Committee on Ethics shall develop and revise, as necessary—

“(A) guidelines on judging the reasonableness of an expense or expenditure for purposes of this clause, including the factors that tend to establish—

“(i) a connection between a trip and official duties;

“(ii) the reasonableness of an amount spent by a sponsor;

“(iii) a relationship between an event and an officially connected purpose; and

“(iv) a direct and immediate relationship between a source of funding and an event; and

“(B) regulations describing the information it will require individuals subject to this clause to submit to the committee in order to obtain the prior approval of the committee for any travel covered by this clause, including any required certifications.

“(2) In developing and revising guidelines under clause (1)(A), the committee shall take into account the maximum per diem rates for official Government travel published annually by the General Services Administration, the Department of State, and the Department of Defense.

“(3) For purposes of this subparagraph, travel on an aircraft operated or paid for by a carrier not licensed by the Federal Aviation Administration to operate for compensation shall not be considered a reasonable expense.”

#### (b) REIMBURSEMENT FOR NONCOMMERCIAL AIR TRAVEL.—

(1) CHARTER RATES.—Paragraph 1(c)(1) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following: “Fair market value for a flight on an aircraft operated or paid for by a carrier not licensed by the Federal Aviation Administration to operate for compensation or hire, excluding an aircraft owned or leased by a governmental entity, shall be the pro rata share of the fair market value of the normal and usual charter fare or rental charge for a comparable plane of comparable size (as determined by dividing such cost by the number of members, officers, or employees of the Congress on the flight).”

(2) UNOFFICIAL OFFICE ACCOUNTS.—Paragraph 1 of rule XXXVIII of the Standing Rules of the Senate is amended by adding at the end the following:

“(c) For purposes of reimbursement under this rule, fair market value of a flight on an aircraft operated or paid for by a carrier not licensed by the Federal Aviation Administration to operate for compensation or hire, shall be the pro rata share of the fair market value of the normal and usual charter fare or rental charge for a comparable plane of comparable size (as determined by dividing such

cost by the number of members, officers, or employees of the Congress on the flight).”.

(3) CANDIDATES.—Subparagraph (B) of section 301(8) of the Federal Election Campaign Act of 1971 (42 U.S.C. 431(8)(B)) is amended by—

(A) in clause (xiii), striking “and” at the end;

(B) in clause (xiv), by striking the period and inserting “; and”; and

(C) by adding at the end the following :

“(xv) any travel expense for a flight on an aircraft that is operated or paid for by a carrier not licensed by the Federal Aviation Administration to operate for compensation or hire, but only if the candidate, the candidate’s authorized committee, or other political committee pays to the owner, lessee, or other person who provides the airplane the pro rata share of the fair market value of such flight (as determined by dividing the fair market value of the normal and usual charter fare or rental charge for a comparable plane of appropriate size by the number of candidates on the flight) by not later than 7 days after the date on which the flight is taken.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 60 days after the date of enactment of this Act.

**SA 5.** Mr. VITTER (for himself and Mr. GRASSLEY) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . APPLICATION OF FECA TO INDIAN TRIBES.**

(a) CONTRIBUTIONS AND EXPENDITURES BY CORPORATIONS.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following:

“(d) TREATMENT OF INDIAN TRIBES AS CORPORATIONS.—

“(1) IN GENERAL.—In this section, the term ‘corporation’ includes an unincorporated Indian tribe.

“(2) TREATMENT OF MEMBERS AS STOCKHOLDERS.—In applying this subsection, a member of an unincorporated Indian tribe shall be treated in the same manner as a stockholder of a corporation.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any election that occurs after December 31, 2007.

**SA 6.** Mr. VITTER proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PROHIBITION ON EMPLOYMENT OF FAMILY MEMBERS OF A CANDIDATE OR FEDERAL OFFICE HOLDER BY CERTAIN POLITICAL COMMITTEES.**

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by inserting after section 324 the following new section:

**“SEC. 325. PROHIBITION ON EMPLOYMENT OF FAMILY MEMBERS OF A CANDIDATE OR FEDERAL OFFICE HOLDER BY CERTAIN POLITICAL COMMITTEES.**

“(a) IN GENERAL.—It shall be unlawful for any authorized committee of a candidate or any other political committee established, maintained, or controlled by a candidate or a person who holds a Federal office to employ—

“(1) the spouse of such candidate or Federal office holder; or

“(2) any immediate family member of such candidate or Federal office holder.

“(b) IMMEDIATE FAMILY MEMBER.—For purposes of subsection (a), the term ‘immediate family member’ means a son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of the Member.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

**SA 7.** Mr. VITTER proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . KNOWING AND WILLFUL FALSIFICATION OR FAILURE TO REPORT.**

Section 104(a) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting “(1)” after “(a)”;

(2) in paragraph (1), as so designated, by striking “\$10,000” and inserting “\$50,000”; and

(3) by adding at the end the following:

“(2)(A) It shall be unlawful for any person to knowingly and willfully falsify, or to knowingly and willingly fails to file or report, any information that such person is required to report under section 102.

“(B) Any person who violates subparagraph (A) shall be fined under title 18, United States Code, imprisoned for not more than 1 year, or both.”.

**SA 8.** Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PROHIBITION ON USING CHARITIES FOR PERSONAL OR POLITICAL GAIN.**

(a) IN GENERAL.—Rule XXXVII of the Standing Rules of the Senate, as amended by this Act, is amended by adding at the end the following:

“15. (a) A Member of the Senate shall not use for personal or political gain any organization—

“(1) which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

“(2) the affairs over which such Member or the spouse of such Member is in a position to exercise substantial influence.

“(b) For purposes of this paragraph, a Member of the Senate shall be considered to have used an organization described in subparagraph (a) for personal or political gain if—

“(1) a member of the family (within the meaning of section 4946(d) of the Internal

Revenue Code of 1986) of the Member is employed by the organization;

“(2) any of the Member’s staff is employed by the organization;

“(3) an individual or firm that receives money from the Member’s campaign committee or a political committee established, maintained, or controlled by the Member serves in a paid capacity with or receives a payment from the organization;

“(4) the organization pays for travel or lodging costs incurred by the Member for a trip on which the Member also engages in political fundraising activities; or

“(5) another organization that receives support from such organization pays for travel or lodging costs incurred by the Member.

“(c)(1) A Member of the Senate and any employee on the staff of a Member to which paragraph 9(c) applies shall disclose to the Secretary of the Senate the identity of any person who makes an applicable contribution and the amount of any such contribution.

“(2) For purposes of this subparagraph, an applicable contribution is a contribution—

“(A) which is to an organization described in subparagraph (a);

“(B) which is over \$200; and

“(C) of which such Member or employee, as the case may be, knows.

“(3) The disclosure under this subparagraph shall be made not later than 6 months after the date on which such Member or employee first knows of the applicable contribution.

“(4) The Secretary of the Senate shall make available to the public all disclosures filed pursuant to this subparagraph as soon as possible after they are received.

“(d)(1) The Select Committee on Ethics may grant a waiver to any Member with respect to the application of this paragraph in the case of an organization which is described in subparagraph (a)(1) and the affairs over which the spouse of the Member, but not the Member, is in a position to exercise substantial influence.

“(2) In granting a waiver under this subparagraph, the Select Committee on Ethics shall consider all the facts and circumstances relating to the relationship between the Member and the organization, including—

“(A) the independence of the Member from the organization;

“(B) the degree to which the organization receives contributions from multiple sources not affiliated with the Member;

“(C) the risk of abuse; and

“(D) whether the organization was formed prior to and separately from such spouse’s involvement with the organization.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2008.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON FOREIGN RELATIONS**

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, January 9, 2007, at 2:30 p.m. to hold a closed briefing on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, January 9, 2007, at 9:30 a.m. for a

hearing titled "Ensuring Full Implementation of the 9/11 Commission's Recommendations."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER FOR PRINTING OF TRIBUTES TO THE LATE PRESIDENT GERALD FORD

Mr. REID. Mr. President, I ask unanimous consent that tributes to the late President Gerald Ford be printed as a Senate document and that Senators have until Thursday, February 15, of this year to submit tributes to the late President.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE NOMINATIONS

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the nominations to the Office of Inspector General, except the Office of Inspector General of the Central Intelligence Agency, be referred in each case to the committee having the primary jurisdiction over the department, agency or entity, and if and when reported in each case, then to the Committee on Homeland Security and Governmental Affairs for not to exceed 20 calendar days, except in cases when the 20-day period expires while the Senate is in recess, the committee shall have an additional 5 calendar days after the Senate reconvenes to report the nomination and that if the nomination is not reported after the expiration of that period, the nomination be automatically discharged and placed on the executive calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TODAY IN THE SENATE

Mr. REID. Mr. President, we have had a good day today, a lot of work has been done. I commend the distinguished Senator, who is still on the floor, for being such a good manager. Her assignment as chairman of the Rules Committee comes at a very opportune time for us and a burdensome time for her. There is so much the Rules Committee is going to be required to do in the next 2 years, not the least of which is some matters that will be spun off from this bill, including campaign finance reform, which I have spoken with Senator McConnell about. I think he agrees that all matters relating to campaign finance reform should be referred to the Rules Committee and other committees that feel they have any jurisdiction. But the principal responsibility will be with Rules. We have to have extensive hearings on campaign finance reform, dealing with a broad range of issues—foundations, 527s, and all kinds of other things.

It has been a good day. I applaud the Senator from California, Senator Feinstein, for her work.

#### ORDERS FOR WEDNESDAY, JANUARY 10, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow morning, January 10, Wednesday; that following the prayer and the pledge, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there be a period for morning business for an hour, with Senators permitted to speak therein, with the first half hour controlled by the majority and the second half hour controlled by the minority, and that at the conclusion of morning business the Senate resume S. 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Mr. President, today I offered the bipartisan substitute amendment. Four amendments are pending as well. Today, I alerted Members to expect votes tomorrow. Also, I remind Members that all Members of the 110th Congress have been invited to the Supreme Court tomorrow. There is a dinner. There is no cocktail hour and no reception. The dinner will begin promptly at 6:30 tomorrow evening. I have been to these events over the years, and they are really good. We have to reach out to our separate but equal branch of Government called the judicial branch. I find all nine of those Justices to be the most interesting people. They have such a tremendous responsibility. I think it will be good conversation, with a limited speech or two. I hope freshman Senators can find it in their schedules to come. It is also for the spouses.

#### DISCHARGE AND REFERRAL

Mr. REID. Mr. President, I ask unanimous consent that S. 198, the Nunn-Lugar Cooperative Threat Reduction Act of 2007, be discharged from the Foreign Relations Committee and then referred to the Armed Services Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is nothing further to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:32 p.m., adjourned until Wednesday, January 10, 2007, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate January 9, 2007:

#### THE JUDICIARY

ANTHONY C. EPSTEIN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE SUSAN REBECCA HOLMES, RETIRED.

LESLIE SOUTHWICK, OF MISSISSIPPI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE CHARLES W. PICKERING, SR., RETIRED.

JOSEPH S. VAN BOKKELEN, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF INDIANA, VICE RUDY LOZANO, RETIRING.

JOHN PRESTON BAILEY, OF WEST VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF WEST VIRGINIA, VICE FREDERICK P. STAMP, JR., RETIRED.

VALERIE L. BAKER, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE CONSUELO B. MARSHALL, RETIRED.

VANESSA LYNNE BRYANT, OF CONNECTICUT, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT, VICE DOMINIC J. SQUATRITO, RETIRED.

CAROL A. DALTON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE A. NOEL ANKETELL KRAMER, ELEVATED.

THOMAS M. HARDIMAN, OF PENNSYLVANIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE RICHARD L. NYGAARD, RETIRED.

HEIDI M. PASICHOW, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE ANNA BLACKBURN-RIGSBY, ELEVATED.

PETER D. KEISLER, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE JOHN G. ROBERTS, JR., ELEVATED.

DEBRA ANN LIVINGSTON, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE JOHN M. WALKER, JR., RETIRED.

NORMAN RANDY SMITH, OF IDAHO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE STEPHEN S. TROTT, RETIRED.

MARY O. DONOHUE, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK, VICE FREDERICK J. SCULLIN, JR., RETIRED.

THOMAS ALVIN FARR, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NORTH CAROLINA, VICE MALCOLM J. HOWARD, RETIRED.

NORA BARRY FISCHER, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE ROBERT J. CINDRICH, RESIGNED.

GREGORY KENT FRIZZELL, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA, VICE SVEN E. HOLMES, RESIGNED.

PHILIP S. GUTIERREZ, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE TERRY J. HATTER, JR., RETIRED.

MARCIA MORALES HOWARD, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA, VICE HARVEY E. SCHLESINGER, RETIRED.

JOHN ALFRED JARVEY, OF IOWA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF IOWA, VICE RONALD E. LONGSTAFF, RETIRED.

FREDERICK J. KAPALA, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE PHILIP G. REINHARD, RETIRING.

SARA ELIZABETH LIOT, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO, VICE LESLEY BROOKS WELLS, RETIRED.

ROSLYNN RENEE MAUSKOPF, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK, VICE DAVID G. TRAGER, RETIRED.

LIAM O'GRADY, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA, VICE CLAUDE M. HILTON, RETIRED.

LAWRENCE JOSEPH O'NEILL, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA, VICE OLIVER W. WANGER, RETIRED.

WILLIAM LINDSAY OSTEN, JR., OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF NORTH CAROLINA, VICE WILLIAM L. OSTEN, SR., RETIRED.

HAIL SULEYMAN OZERDEN, OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI, VICE DAVID C. BRAMLETTE, RETIRED.

MARTIN KARL REIDINGER, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA, VICE GRAHAM C. MULLEN, RETIRED.

JAMES EDWARD ROGAN, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE NORA M. MANELLA, RESIGNED.

THOMAS D. SCHROEDER, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF NORTH CAROLINA, VICE FRANK W. BULLOCK, JR., RETIRED.

BENJAMIN HALE SETTLE, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON, VICE FRANKLIN D. BURGESS, RETIRED.

LISA GODFREY WOOD, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF GEORGIA, VICE DUDLEY H. BOWEN, JR., RETIRED.

OTIS D. WRIGHT II, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE GARY L. TAYLOR, RETIRED.

GEORGE H. WU, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE RONALD S. W. LEW, RETIRED.

#### UNITED STATES SENTENCING COMMISSION

DABNEY LANGHORNE FRIEDRICH, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 31, 2009, VICE MICHAEL O'NEILL, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

BERYL A. HOWELL, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2011 (REAPPOINTMENT), TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JOHN R. STEER, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2011 (REAPPOINTMENT), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

#### EXECUTIVE OFFICE OF THE PRESIDENT

JAMES F. X. O'GARA, OF PENNSYLVANIA, TO BE DEPUTY DIRECTOR FOR SUPPLY REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY, VICE BARRY D. CRANE.

#### DEPARTMENT OF JUSTICE

WILLIAM W. MERCER, OF MONTANA, TO BE ASSOCIATE ATTORNEY GENERAL, VICE ROBERT D. MCCALLUM, JR.

STEVEN G. BRADBURY, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE JACK LANDMAN GOLDSMITH III, RESIGNED.

#### NATIONAL SECURITY EDUCATION BOARD

ANDREW J. MCKENNA, JR., OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE ROBERT N. SHAMANSKY, TERM EXPIRED.

#### DEPARTMENT OF DEFENSE

MICHAEL J. BURNS, OF NEW MEXICO, TO BE ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS, VICE DALE KLEIN, RESIGNED.

ANITA K. BLAIR, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE MICHAEL L. DOMINGUEZ.

#### EXPORT-IMPORT BANK OF THE UNITED STATES

MICHAEL W. TANKERSLEY, OF TEXAS, TO BE INSPECTOR GENERAL, EXPORT-IMPORT BANK, (NEW POSITION)

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SCOTT A. KELLER, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE STEVEN B. NESMITH, RESIGNED.

#### AMTRAK

ENRIQUE J. SOSA, OF FLORIDA, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, VICE LINWOOD HOLTON, TERM EXPIRED.

#### METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

CHARLES DARWIN SNELLING, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM EXPIRING MAY 30, 2012. (REAPPOINTMENT)

#### DEPARTMENT OF COMMERCE

JANE C. LUXTON, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE, VICE JAMES R. MAHONEY.

#### REFORM BOARD (AMTRAK)

FLOYD HALL, OF NEW JERSEY, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, VICE AMY M. ROSEN, TERM EXPIRED.

#### CORPORATION FOR PUBLIC BROADCASTING

WARREN BELL, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2012, VICE KENNETH Y. TOMLINSON, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

#### DEPARTMENT OF ENERGY

KEVIN M. KOLEVAR, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF ENERGY (ELECTRICITY DELIVERY AND ENERGY RELIABILITY), VICE JOHN S. SHAW, RESIGNED.

#### DEPARTMENT OF THE INTERIOR

JOHN RAY CORRELL, OF INDIANA, TO BE DIRECTOR OF THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, VICE JEFFREY D. JARRETT.

#### ENVIRONMENTAL PROTECTION AGENCY

WILLIAM LUDWIG WEHRUM, JR., OF TENNESSEE, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE JEFFREY R. HOLMSTRAED, RESIGNED.

ROGER ROMULUS MARTELLA, JR., OF VIRGINIA, TO BE ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE ANN R. KLEE, RESIGNED.

ALEX A. BEEHLER, OF MARYLAND, TO BE INSPECTOR GENERAL, ENVIRONMENTAL PROTECTION AGENCY, VICE NIKKI RUSH TINSLEY, RESIGNED.

#### FEDERAL INSURANCE TRUST FUNDS

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

#### UNITED STATES INTERNATIONAL TRADE COMMISSION

IRVING A. WILLIAMSON, OF NEW YORK, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING JUNE 16, 2014, VICE STEPHEN KOPLAN, TERM EXPIRED.

#### DEPARTMENT OF THE TREASURY

CATHERINE G. WEST, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2008, VICE KAREN HASTIE WILLIAMS, TERM EXPIRED.

#### FEDERAL INSURANCE TRUST FUNDS

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

#### UNITED STATES INTERNATIONAL TRADE COMMISSION

DEAN A. PINKERT, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING DECEMBER 16, 2015, VICE JENNIFER ANNE HILLMAN, TERM EXPIRED.

#### FEDERAL INSURANCE TRUST FUNDS

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

DANIEL MERON, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE ALEX AZAR II.

#### DEPARTMENT OF THE TREASURY

PETER E. CIANCHETTE, OF MAINE, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2010, VICE NANCY KILLEFER, TERM EXPIRED.

#### SOCIAL SECURITY ADMINISTRATION

ANDREW G. BIGGS, OF NEW YORK, TO BE DEPUTY COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2013, VICE JAMES B. LOCKHART III.

MICHAEL J. ASTRUE, OF MASSACHUSETTS, TO BE COMMISSIONER OF SOCIAL SECURITY FOR A TERM EXPIRING JANUARY 19, 2013, VICE JO ANNE BARNHART.

#### DEPARTMENT OF STATE

ELLEN R. SAUERBREY, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF STATE (POPULATION, REFUGEES, AND MIGRATION), VICE ARTHUR E. DEWEY, RESIGNED.

STANLEY DAVIS PHILLIPS, OF NORTH CAROLINA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ESTONIA.

#### INTER-AMERICAN FOUNDATION

HECTOR E. MORALES, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2010, VICE JOSE A. FOURQUET, RESIGNED.

#### BROADCASTING BOARD OF GOVERNORS

MARK MCKINNON, OF TEXAS, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2009, VICE FAYZA VERONIQUE BOULAD RODMAN, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

#### INTERNATIONAL MONETARY FUND

MARGRETHE LUNDSAGER, OF VIRGINIA, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF TWO YEARS, VICE NANCY P. JACKLIN, TERM EXPIRED.

#### UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

JAMES R. KUNDER, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE FREDERICK W. SCHIECK.

#### DEPARTMENT OF STATE

RICHARD E. HOAGLAND, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERV-

ICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ARMENIA.

#### BROADCASTING BOARD OF GOVERNORS

D. JEFFREY HIRSCHBERG, OF WISCONSIN, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2007. (REAPPOINTMENT)

#### DEPARTMENT OF STATE

C. BOYDEN GRAY, OF THE DISTRICT OF COLUMBIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

SAM FOX, OF MISSOURI, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELGIUM.

#### ASIAN DEVELOPMENT BANK

CURTIS S. CHIN, OF NEW YORK, TO BE UNITED STATES DIRECTOR OF THE ASIAN DEVELOPMENT BANK, WITH THE RANK OF AMBASSADOR, VICE PAUL WILLIAM SPELTZ.

#### UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

KATHERINE ALMQUIST, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE LLOYD O. PIERSON, RESIGNED.

#### UNITED STATES INSTITUTE OF PEACE

RON SILVER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2009, VICE STEPHEN D. KRASNER, TERM EXPIRED.

#### DEPARTMENT OF LABOR

LEON R. SEQUEIRA, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE VERONICA VARGAS STIDVENT.

#### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DAVID PALMER, OF MARYLAND, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2011, VICE CARI M. DOMINGUEZ, TERM EXPIRED.

#### NATIONAL LABOR RELATIONS BOARD

DENNIS P. WALSH, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2009. (REAPPOINTMENT)

#### UNITED STATES INSTITUTE OF PEACE

JUDY VAN REST, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2009, VICE DANIEL PIPES.

#### DEPARTMENT OF LABOR

RICHARD STICKLER, OF WEST VIRGINIA, TO BE ASSISTANT SECRETARY OF LABOR FOR MINE SAFETY AND HEALTH, VICE DAVID D. LAURISKI, RESIGNED.

#### NATIONAL INSTITUTE FOR LITERACY

PATRICIA MATHES, OF TEXAS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2007, VICE MARK G. YUDOF, RESIGNED.

#### NATIONAL LABOR RELATIONS BOARD

PETER N. KIRSANOW, OF OHIO, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2008, VICE RONALD E. MEISBURG.

#### FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

ARLENE HOLEN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2010, VICE ROBERT H. BEATTY, JR., TERM EXPIRED.

#### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

RICHARD ALLAN HILL, OF MONTANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING JUNE 10, 2009, VICE JUANITA SIMS DOTY, TERM EXPIRED.

#### FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

MICHAEL F. DUFFY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2012. (REAPPOINTMENT)

#### DEPARTMENT OF LABOR

PAUL DECAMP, OF VIRGINIA, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR, VICE TAMMY DEE MCCUTCHEN, RESIGNED.

#### UNITED STATES POSTAL SERVICE

ELLEN C. WILLIAMS, OF KENTUCKY, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2016. (REAPPOINTMENT)

## DEPARTMENT OF HOMELAND SECURITY

JULIE L. MYERS, OF KANSAS, TO BE ASSISTANT SECRETARY OF HOMELAND SECURITY, VICE MICHAEL J. GARCIA.

## EXECUTIVE OFFICE OF THE PRESIDENT

SUSAN E. DUDLEY, OF VIRGINIA, TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET, VICE JOHN D. GRAHAM, RESIGNED.

## DEPARTMENT OF HOMELAND SECURITY

GREGORY B. CADE, OF VIRGINIA, TO BE ADMINISTRATOR OF THE UNITED STATES FIRE ADMINISTRATION, DEPARTMENT OF HOMELAND SECURITY, VICE R. DAVID PAULISON, RESIGNED.

## FEDERAL LABOR RELATIONS AUTHORITY

WAYNE CARTWRIGHT BEYER, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 1, 2010, VICE OTHONIEL ARMENDARIZ, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

## CENTRAL INTELLIGENCE

JOHN A. RIZZO, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY, VICE SCOTT W. MULLER, RESIGNED.

## ELECTION ASSISTANCE COMMISSION

ROSEMARY E. RODRIGUEZ, OF COLORADO, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 12, 2007, VICE RAYMUNDO MARTINEZ, III, RESIGNED.

## FEDERAL ELECTION COMMISSION

STEVEN T. WALTHER, OF NEVADA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2009, VICE SCOTT E. THOMAS, TERM EXPIRED.

HANS VON SPAKOVSKY, OF GEORGIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2011, VICE BRADLEY A. SMITH, RESIGNED.

DAVID M. MASON, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2009. (REAPPOINTMENT)

ROBERT D. LENHARD, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2011, VICE DANNY LEE MCDONALD, TERM EXPIRED.

## ELECTION ASSISTANCE COMMISSION

CAROLINE C. HUNTER, OF FLORIDA, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM EXPIRING DECEMBER 12, 2009, VICE PAUL S. DEGREGORIO, TERM EXPIRED.

## DEPARTMENT OF THE INTERIOR

CARL JOSEPH ARTMAN, OF COLORADO, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE DAVID WAYNE ANDERSON.

## DEPARTMENT OF VETERANS AFFAIRS

THOMAS E. HARVEY, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (CONGRESSIONAL AFFAIRS), VICE PAMELA M. IOVINO, RESIGNED.

## IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER OF THE UNITED STATES COAST GUARD TO BE A MEMBER OF THE PERMA-

NENT COMMISSIONED TEACHING STAFF OF THE COAST GUARD ACADEMY IN THE GRADE INDICATED UNDER SECTION 188, TITLE 14, U.S. CODE:

*To be lieutenant*

THOMAS W. DENUCCI, 0000

## IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. LARRY L. ARNETT, 0000  
COL. OTIS P. MORRIS, 0000  
COL. GILBERTO S. PENA, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. H. STEVEN BLUM, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. BRADLY S. MACNEALY, 0000

## EXTENSIONS OF REMARKS

### KROEGER WINS FOOT LOCKER HIGH SCHOOL CROSS COUNTRY NATIONAL CHAMPIONSHIP

#### HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, it is not everyday a Member of Congress gets the opportunity to proclaim they have a national champion attending school in their district. I rise today to congratulate Kathy Kroeger, a student at Independence High School in Thompson Station, Tennessee, for winning the 2006 Foot Locker High School Cross Country National Championship.

"The Beast," as she is commonly called for her consistent domination over her cross-country opponents, is a two-time defending Class AAA State champion and holds multiple State records.

Kathy recorded a time of 17:29, several seconds ahead of her closest competitor during the National Championship in San Diego. In 2005, Kathy came in a very respectable 16th place.

Winning a national championship is not an easy feat in any sport. You must be committed to constantly improving yourself, have a great support system around you, and have the determination and drive to compete. Kathy has all of the above factors, which lead her to winning the championship.

We look for many good things to come from Kathy in the future; whether on the course, in school, or out in the world, I wish her all the best.

### SEMPER FIDELIS, A TRIBUTE TO CORPORAL JASON L. DUNHAM, UNITED STATES MARINE CORPS

#### HON. JOHN R. KUHL, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mr. KUHL of New York. Madam Speaker, it is with honor and pleasure that I rise to recognize Corporal Jason L. Dunham, United States Marine Corps. Corporal Dunham will posthumously receive our Nation's highest award for valor on January 11, 2007 from our 43rd President, George W. Bush.

Corporal Dunham grew up in Scio, New York. He was known for his prowess in baseball, basketball, and soccer at Scio Central School. He was also well-known throughout his entire community, not just for his good-natured pranks, but for being a young man of enthusiastic yet humble spirit, someone who genuinely cared for others and who could always be counted on if someone was in need. He enlisted in the Marine Corps in July 2000, because the Marines were known to have the toughest training, but also the strongest brotherhood. He also felt a personal challenge to complete basic training and to do it well.

Following his first duty assignment with Marine Corps Security Forces in Kings Bay, Georgia, Corporal Dunham was assigned to Fourth Platoon, Kilo Company, Third Battalion, Regimental Combat Team 7, First Marine Division. Having quickly proven himself as a capable and conscientious leader, Corporal Dunham was assigned as a Squad Leader and entrusted with the training, welfare, and lives of nine American Sons. He soon earned a reputation for his unwavering commitment to his fellow Marines. He had a caring, respectful, and humane style of leadership and believed above all in leadership by example.

On 14 April 2004, while conducting a reconnaissance mission in the town of Karabilah in Al Anbar province, Corporal Dunham and his men heard rocket-propelled grenade and small arms fire erupt two kilometers to the west. Their Battalion Commander's patrol had been ambushed while enroute to visit Lima Company at Camp Husaybah, right on the Syrian border. Realizing that his unit was in a position to assist, Corporal Dunham ordered the vehicles of his Combined Anti-Armor Team to link up with his dismounted squad and advance toward the engagement to provide reinforcement. Upon reaching the site of the ambush, they were quickly barraged with enemy fire. Corporal Dunham ordered the vehicles dismounted and led one of his fireteams into the village to neutralize the ambush. After having moved several blocks south into the village, they discovered seven Iraqi vehicles in a column attempting to depart to the east. Corporal Dunham ordered his Marines to block their movement and check the vehicles for insurgents. As he approached the second vehicle in the column, an insurgent leaped out and attacked Corporal Dunham. In the ensuing hand-to-hand struggle, Corporal Dunham wrestled the Iraqi insurgent to the ground and immediately noticed that the insurgent was holding a live grenade. Corporal Dunham alerted his fellow Marines, and aware of the imminent danger but without hesitation, he removed his helmet and covered the grenade, absorbing the brunt of the explosion and shielding his fellow Marines from the blast in a selfless act of bravery that most certainly saved the lives of two of his Marines.

By his undaunted courage, intrepid fighting spirit, and unwavering devotion to duty in the face of certain death, Corporal Dunham gallantly gave his life for his country, thereby reflecting great credit upon himself and upholding the highest traditions of the Marine Corps and the United States Naval Service. Corporal Jason L. Dunham epitomizes the selfless devotion to duty that our young men and women have displayed time and time again in Iraq, Afghanistan, Africa, and numerous other places around the world. Our Nation is blessed to have a military full of Corporal Dunhams who are serving with great distinction. My heart goes out to his family, the townspeople of Scio, NY, and the Marines, for they have lost one of America's finest.

### CELEBRATING THE LIFE OF JANE FAGERSTROM

#### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mr. HIGGINS. Madam Speaker, it is my distinct honor to remember the life of a proud Chautauqua County leader. Jane Fagerstrom, born April 1, 1927, to Floyd and Bertha Alden Nelson, passed away on January 6, 2006, at the age of 79. She left behind a legacy for all Chautauqua County residents to be proud of.

A compassionate and dynamic woman, Jane Fagerstrom was a strong leader who had a real desire to help the working people of Chautauqua County. She served her community for over four decades and was a pioneer in the Chautauqua County legislature, serving as the first chairperson between 2000 and 2002.

Jane began her career in 1963 as a secretary for Joe Gerace, Sr., who was a lawyer at the time and also served as supervisor for the town of Busti. When Gerace became the first county executive in 1975, Mrs. Fagerstrom stayed with him and played an integral role in helping run the county's executive branch.

As the former director of Chautauqua's Comprehensive Employment Training Administration, and through her efforts to support the Manufacturing Technology Institute, Jane will be remembered for her efforts to help those without work.

She was also a past president of the Joint Neighborhood Project, a founding member of the Resource Center board of directors, she served on the Research and Strategic Planning Council, the planning committee of the United Way, was commissioner of the Civil Service in Jamestown, was on the advisory committee of Habitat for Humanity, the Interfaith Volunteer Program, Salvation Army Advisory Board, Board of Trustees of Jamestown Community College and the SALT organization.

Mrs. Fagerstrom was preceded in death by her husband of over 50 years, John W. Fagerstrom, whom she wed September 21, 1946, and who passed away on November 25, 1997. Surviving her are her three sons, John W. (Ann) Fagerstrom of Jamestown, Jeffrey L. Fagerstrom of Billings, Montana and David A. (Deb) Fagerstrom of Cherry Creek; two granddaughters, Nikki (Kevin) Pierce of Jamestown and Ashley Fagerstrom of Billings; two great-grandchildren, Kal and Addie Pierce; her sister, Dorothy Olson of Jamestown; and several nieces and nephews.

Madam Speaker, I would like to take this opportunity to remember and celebrate the life of Jane Fagerstrom and remember her contributions to her community. I ask my colleagues to join me in honoring her spirit here today.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



HONORING POLICE CHIEF JACK W. LONG AS HE RETIRES FROM THE DUNCANVILLE POLICE DEPARTMENT

### HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mr. MARCHANT. Madam Speaker, I rise today to commend Chief of Police Jack W. Long as he retires from 30 years of dedicated service to the Duncanville Police Department.

Chief Long graduated from Sunset High School in Dallas, TX, in 1971 and entered the U.S. Army the following year, serving in the military police through 1975. In 1976 he began his career with the Duncanville Police Department and was promoted to Sergeant just 3 years later in 1979. That same year he also obtained an associate's degree from El Centro Community College. In 1981 Long was promoted to Lieutenant and in 1982 he graduated from the Southwestern Law Enforcement Command Management School.

Three years later he graduated from the University of Texas at Arlington with a bachelor's degree in Criminal Justice. In 1993 Long completed the Best Southwest Leadership training and in 1994 he graduated from the 178th Session of the FBI National Academy in Quantico, VA, and also completed graduate work at the University of Virginia that same year.

He has completed more than 2,000 hours of law enforcement training and currently holds a Master Peace Officer Certification from the Texas Commission on Law Enforcement Officer Standards and Education.

Chief Long is intimately involved in the community and is a member of many organizations, including the Duncanville Chamber of Commerce, Duncanville Lions Club, and Texas Police Chiefs Association. He has also served as Chairman of the Boy Scouts of America Committee, Post 886, and as vice president of the North Texas Police Chiefs Association.

He and his wife, Deborah, have one son named Chad.

Madam Speaker, it is with great honor that I recognize Chief of Police Jack W. Long's three decades of distinguished service to the Duncanville Police Department and to the city of Duncanville and its citizens. His contributions will leave an indelible mark and his leadership will be sorely missed. I am proud to serve as his representative in Washington, DC.

### MOURNING THE DEATH OF SERGEANT JESSE CASTRO

### HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Ms. BORDALLO. Madam Speaker, since the birth of our great Nation, there have been true patriots—men and women—always willing and always able to answer the call to arms. Although they realized the risks, their love for home and family and loyalty to the Nation overrode their fears. In the on-going war against terrorism, my island home has lost yet

another son, SGT Jesse Castro, U.S. Army, of Chalan Pago. With a heavy but proud heart, I extend heartfelt condolences and profound sympathy to Jesse's family on behalf of the People of Guam and a grateful Nation. Jesse was a caring son, a loving husband, a devoted father, and a proud American patriot.

Jesse will be remembered by so many people, but he will especially be remembered by his fellow athletes who shared his enthusiasm for sport and adventure. Jesse was a member of Guam's Junior National Baseball team, as well as the Tamuning Eagles and Pepsi Giants football teams. His passion for the mixed martial arts was remarkable and only equaled by his skill and success in the sport, all of which will forever be remembered by his fellow fighters, but especially by those who faced him in the ring. His intensity, dedication and competitive spirit were felt by and known to those who practiced with him for athletic competition and later by the Soldiers who trained with him to protect peace and freedom in the United States Army. Jesse also enjoyed the thrill of off-roading and motorcycling on his Harley-Davidson, passions that further reflected his love of adventure and his free spirit.

But perhaps above all else, Jesse's desire to learn and to serve his people marked him. He was clearly a young and mature community leader, the kind of young man every community hopes to produce and forever embraces. Driven by his sense of duty and public service, he completed the Guam Community College's Basic Law Enforcement Academy. Determined to put his new skills to use and to act on his sense of duty, Jesse would not, however, wait for a vacancy on the police force. He quickly enlisted in the United States Army and set out to serve his country and the cause of freedom.

Ultimately, Jesse's life was a celebration of living life to its fullest. His love for his family, his devotion to his island, and his dedication to his country will forever serve as an inspiration to all who know or hear of Jesse Castro. It is said that there is no greater love than that a man lay down his life for another. Jesse gave his life so that others might some day know the joys of freedom and liberty. Jesse's beautiful wife, Therese, his young infant son, Jesse Jr. and mother, Doring, will forever know that their Jesse lived a life worth living, one marked by dignity, excellence, service, integrity, adventure and love. And while we will all forever miss him, we will all forever celebrate him. I honor him and his family. God Bless Jesse and the Castro family, God Bless Guam and God Bless America.

### RULES OF THE HOUSE

SPEECH OF

### HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 4, 2007*

Mr. KIND. Mr. Speaker, I am proud to stand before you today to speak in support of the rules changes proposed by our new Speaker, Ms. PELOSI, that will bring enhanced ethics, transparency, and accountability to the House of Representatives. These measures are long overdue, and I applaud our leadership team for making this the first order of business in the 110th Congress.

It has become clear to all Americans that the ethical safeguards here in our Nation's Capital are broken. Rogue lobbyists such as Jack Abramoff were allowed to run amok for years, leaving behind a vast web of corruption in their wake. Wayward Members of Congress were swayed by the offers of expensive gifts, travel, and campaign contributions that came their way. The maintenance of power became more important than responsible government, as we now see in the spiraling budget deficits, tax breaks for specific companies and industries, and legislation inserted into bills in the dark of night.

With our vote here today, we in the people's house say enough is enough. Today we begin to set our ship right and rebuild the trust of the American people.

Today we will prevent lobbyists from buying access and favor from lawmakers. While they will retain their constitutional right to petition government and share valuable information, they will no longer be allowed to buy meals, give gifts, or provide lavish trips. Corporate officials will no longer be able to buy exclusive access by offering the service of their private corporate jets. The powerful Washington elite will now be placed back on a more equal footing with other citizens who cannot afford such luxuries.

Additionally, all House employees will be required to attend annual ethics training to ensure that all members and staff know the rules and agree to follow them.

These changes, along with additional reporting requirements that will be enacted through subsequent legislation and more vigorous oversight by the Ethics Committee, will assure the American public that their elected officials are working for them and not for the special interests.

While some degree of corruption inevitably will always accompany power, these first steps are both valuable and necessary. I sincerely believe in the integrity of this great institution and its ability to live up to the highest expectations of its founding fathers. Those of us in this chamber have been given a tremendous opportunity to do good, and with that comes great responsibility.

It is my great hope that we all may move beyond the transgressions of the past with our sense of duty and our determination restored, and that the American people will once again believe in us. As a nation defined by its democracy, we must accept nothing less.

### IN RECOGNITION OF LANCE CORPORAL CODY GORDON WATSON

### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mr. ROGERS of Alabama. Madam Speaker, LCpl Cody Gordon Watson, 21, of Oxford, Alabama, died on December 6, 2006, in Iraq. Lance Corporal Watson was assigned to the 2nd Battalion, 10th Marine Regiment, 2nd Marine Division, Camp Lejeune, North Carolina. His survivors include his mother and father Linda S. and Dennis B. Watson of Anniston, Alabama.

Lance Corporal Watson was known for his upbeat and dedicated spirit. Like all soldiers, he dutifully left behind his family and loved ones to serve our country overseas.

Words cannot express the sense of sadness we have for his family, and for the gratitude our country feels for his service. Lance Corporal Watson, like other brave men and women who have served in uniform, died serving not just the United States, but the entire cause of liberty. Indeed, he was a true American.

We will forever hold him closely in our hearts, and remember his sacrifice and that of his family as a remembrance of his bravery and willingness to serve our Nation.

IN RECOGNITION OF BEVERLY  
LYNE

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mr. UDALL of Colorado. Madam Speaker, I rise today to recognize Ms. Beverly Lyne of Boulder, Colorado for her selfless contribution to providing desperately needed medical attention to the people of Uganda. Ms. Lyne's background as a patient education consultant at Longmont United Hospital provided her with a strong foundation from which to offer her services to the developing world. Before volunteering her skills in Uganda, she had worked in the infectious-diseases field for almost twenty years as a registered nurse while also caring for AIDS patients in Boulder County.

Two years ago, an e-mail from one of her former physician associates sparked her interest in setting up a health clinic in Uganda. Lyne partnered with three Canadian nurses to help establish the Learning Empowers Uganda Medical Clinic that now serves more than 30,000 Ugandan men, women, and children. These people had escaped the violence of their homelands and settled in a semi-permanent camp in Soroti often with only the clothes on their back. Prior to Lyne's arrival, hospitals were little more than empty shells, with no supplies and minimal medicine or staff. Today, the same buildings have been transformed into functioning health and education centers, complete with labs and refrigerators for medicine.

Because of the compassion of Beverly Lyne and her colleagues, valuable care is being provided for those most in need. She has made incalculable contributions to advance the quality of life for the Ugandan people and in doing so has made her world a better place in which to live.

I ask my colleagues to join me in thanking Beverly Lyne for her courage and compassion. Within her spirit lays the hope for a better tomorrow. I wish Beverly congratulations for her accomplishments and good health and happiness to both herself and the people she serves.

FREEDOM FOR JUAN CARLOS  
HERRERA ACOSTA

**HON. LINCOLN DIAZ-BALART**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about

Juan Carlos Herrera Acosta, a political prisoner totalitarian Cuba.

Mr. Herrera Acosta is a tireless advocate for the freedom of Cuba and has dedicated much of his life to the cause of freedom for the Cuban people. He believes that every trapped citizen in totalitarian Cuba deserves to live with the most basic and fundamental human rights and protections of individual liberty.

Juan Carlos Herrera Acosta is an independent journalist with the Agencia de Prensa Libre Oriental (APLO) in Santiago, Cuba and national coordinator for the Cuban Youth Movement for Democracy. He was arrested on March 20, 2003, as part of the despicable island-wide crackdown on peaceful human rights activists and independent journalists. In April of 2003, he was wrongfully sentenced on trumped-up charges claiming that he undermined "national independence and territorial integrity" and served the "imperialist ends" of the United States, to 20 years in a hellish totalitarian gulag. In reality his only "crime" was challenging a corrupt, brutal, and repressive system that robs its citizens of every freedom.

Reporters Without Borders reported that on August 29, 2006, Mr. Herrera Acosta was severely beaten and dragged along the prison's corridors by two regime henchmen because he reiterated a demand to be allowed to make a phone call—a right the dictatorship has routinely denied him. According to Directorio, Mr. Herrera Acosta has undertaken numerous hunger strikes while in prison to protest the deplorable, inhumane and degrading conditions in which prisoners of conscience in Cuba are held.

Most recently, in an urgent declaration read aloud to the Cuban Democratic Directorate by Rolando Rodriguez Lobaina, executive member of the Cuban Youth Movement for Democracy, Mr. Herrera Acosta reaffirmed his commitment to the cause of freedom for the Cuban people:

I fight because the light of truth and liberty reaches this land converted into a feudal estate before a Caesar that bleeds her dry. As a dignified son of this country, I am willing to offer my life if it is necessary to defend pacifism, so that peace and concordance would thrive in the land of Varela and Marti. I do not discard the possibility that a clinically induced death, at the hands of the commissars of terror, will truncate my life. But as long as I have strength and my heart is beating, I will continue to fight from inside the monstrous womb of Castro's prisons.

I will never lower myself to bow down, nor will I live on my knees, and as Jose Marti would express, I reiterate: "I want the first law of our Republic to be the respect of Cubans for the plain dignity of man." The price to pay has been very high. Pain, grief, and exile constitute the panacea that is Castro's reign of terror.

But I do not resign to live condemned, I am simply continuing the dignified example of the historical Cuban political prisoners. Freedom for Cuba! God, Country, and Liberty! May human rights thrive and prevail in my country!

Let me be very clear, Mr. Herrera Acosta is imprisoned because he refuses to accept the Castro brothers' dictatorship today. Madam Speaker, Mr. Herrera Acosta is representative of the fighting spirit of the Cuban people: of their rejection of the brutality, discrimination, depravity, and oppression of the totalitarian tyranny.

We must speak out against the abominable violations of human rights, dignity, and free-

dom on that oppressed island. My Colleagues, we must demand the immediate and unconditional release of Juan Carlos Herrera Acosta and every other political prisoner in totalitarian Cuba.

IN HONOR OF THE HONORABLE  
WILLIAM T. McLAUGHLIN

**HON. MICHAEL N. CASTLE**

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize the 90th birthday of The Honorable William T. McLaughlin, former mayor of Wilmington. Bill McLaughlin has led an extraordinary life, filled with exceptional acts of public service, as well as a strong dedication to my home State of Delaware. He certainly has packed a great deal of accomplishment into his 90 years.

During World War II, Bill flew 50 combat missions in the South Pacific as a tail gunner and radioman. After the war, Bill went to night school under the G.I. Bill and spent his career with the DuPont Company. He spent 58 years married to the late Mary McLaughlin, with whom he raised two fine sons. Bill did not begin his political career until 1964, when he was elected to the city council in an upset victory. After serving as a strong advocate for progressive causes on the council, he was elected as mayor in 1976, and served the city from 1977–1984. I had the privilege of serving as Lieutenant Governor of Delaware during his second term as mayor and enjoyed working with him on many different issues.

The McLaughlin years were prosperous ones for both the city of Wilmington and the State of Delaware. Together with Governor Pete duPont, Bill helped to enact the Financial Center Development Act which brought Delaware to the forefront of the banking industry. Mayor McLaughlin worked tirelessly to protect jobs, attract new employers, and grow the local economy.

Not only was the economy successful during Bill McLaughlin's time, but crime rates declined, city and water systems were improved, and low-income families had increased access to housing. While a tireless worker for the city of Wilmington, the mayor should also be remembered for his sense of humor. One St. Patrick's Day, Mayor McLaughlin made his way down King Street in a green leprechaun costume.

Bill continues to serve as a dignified leader in countless service organizations. I commend him for a life of service and thank him for his tireless dedication to Delaware. I am proud to call him a friend.

HONORING CEDAR HILL HIGH  
SCHOOL FOR WINNING THE 5A  
DIVISION II FOOTBALL STATE  
CHAMPIONSHIP

**HON. KENNY MARCHANT**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mr. MARCHANT. Madam Speaker, I rise today to extend my congratulations to the

2006 Cedar Hill High School football team, which on Saturday, December 23, 2006 earned the title of 5A Division II State Champions and finished its storybook season a perfect 16–0.

On that day it was clear to everyone in the Alamodome that the Cedar Hill Longhorns squad deserved the glowing praise it had received all season long from its adoring fans. Under head coach Joey McGuire and his staff, the Longhorns ripped through four playoff opponents before routing the Cypress Falls Golden Eagles 51–17 in the championship game. A balanced team effort prevailed with both the Cedar Hill offense and defense shining brightly throughout the Longhorns' first ever playoff run. Cedar Hill won with discipline, with heart and perhaps most importantly, with class and dignity.

Over the last few years Coach McGuire has developed a special family-like atmosphere between his players and staff that has resulted in a growing sense of camaraderie and purpose. The team's winning attitude surfaced many times during the regular season and playoffs, perhaps most notably in a comeback, doubleovertime victory over district rival DeSoto that showed the true intestinal fortitude of the Longhorns.

Throughout its historic championship run, Cedar Hill represented the ideal virtues of amateur athletic programs—teamwork, tenacity, competitiveness and dignity—and its immaculate season will be recounted for generations to come in Southwest Dallas County.

I could not be more proud than to represent Cedar Hill High School in Congress, and I congratulate the players, coaches, fans and parents who made the 2006 season such a memorable one.

IN RECOGNITION OF "LITTLE"  
JIMMY SCOTT, RECIPIENT OF  
THE NATIONAL ENDOWMENT  
FOR THE ARTS JAZZ MASTERS  
AWARD

**HON. STEPHANIE TUBBS JONES**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mrs. JONES of Ohio. Madam Speaker, I rise today in recognition of "Little" Jimmy Scott, a native of Cleveland, Ohio, located in my congressional district, who will be honored on Friday, January 12, 2007, in New York City with the Jazz Masters Award presented by the National Endowment for the Arts, NEA.

Born in 1925 in Cleveland, Ohio, as one of ten children, Jimmy Scott has been delighting audiences with his vocal talents around the country and around the globe since he was a young man. He began by performing throughout Northeast Ohio, sharing the stage with some of the most famous names in jazz.

He began his solo career at Harlem's Baby Grand, impressing the likes of Billie Holiday and well-known songwriter Doc Pomus. Jimmy Scott's friendship with Doc Pomus began during that stint in Harlem and lasted for 45 years and endured despite long periods away from the microphone. In fact, it was not until Jimmy Scott sang at Doc Pomus' funeral in 1991 that he gained international fame and began to tour around the world. His re-emergence as a singer was heralded by his Grammy-nomi-

nated album, "All the Way," and he has thrilled fans, both young and old, ever since.

Established in 1982, the National Endowment for the Arts' Jazz Masters Award has recognized numerous jazz artists, ranging from household names to less well-known performers. The 2007 Jazz Masters will be honored with an awards ceremony and concert, a one-time \$25,000 fellowship and a 50–state Jazz Masters Tour. NEA Jazz Masters are selected from nominations from the public and reviewed by a panel of jazz experts before being submitted to the National Council on the Arts and the Chairman of the NEA.

Therefore, on behalf of the people of the 11th Congressional District, it is my distinct pleasure to recognize "Little" Jimmy Scott on being selected as a 2007 Jazz Master and to thank him for—sharing his beautiful voice and boundless talent with fans around the world.

IN RECOGNITION OF THE RETIREMENT OF JUDGE SAM MONK

**HON. MIKE ROGERS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to pay recognition to Judge Sam Monk who is retiring after 28 years of service. Judge Monk currently resides as Circuit Judge of the Seventh Judicial Circuit in Anniston, Alabama.

Judge Sam Monk graduated from the University of Alabama School of Law in 1975. Prior to law school, Judge Monk served in the United States Army. Judge Monk has worked in both private practice and has served as Presiding Judge for the 7th Judicial Circuit, Circuit Judge for the 7th Judicial Circuit, and as District Judge for Calhoun and Cleburne Counties.

Judge Monk will officially retire on January 15, 2007, but a reception in his honor will be held on January 12, 2007, at the Calhoun County Courthouse.

I salute Judge Monk and congratulate him on his service to the legal field over the past 28 years. I wish him all the best on this important occasion.

**RULES OF THE HOUSE**

SPEECH OF

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 4, 2007*

Ms. DeLAURO. Mr. Speaker, I rise in strong support of H. Res. 6, and commend Speaker PELOSI, the majority leader, the chairman of the Democratic Caucus, and the Rules Committee for bringing this comprehensive reform package to the floor. Indeed, with this resolution, the new Democratic majority says with one, clear voice that we are prepared to change the way Congress does business—to make good on our pledge—and restore open, honest government to Congress.

With this legislation, we take the critical steps necessary to preserving the integrity of this institution, its Members and, indeed, the democratic process in this country. This No-

vember, the American people, weary from scandal after scandal, said "enough." They said it was time to clean up Washington—to sever ties between lawmakers and lobbyists and elect a Congress engaged in the people's business—in improving people's lives, not 1 in securing perks and privileges for themselves. They want Members of Congress who are accountable for their actions.

With this Congress—and this rules package—that is exactly what they will get. This resolution closes the curtain on an era in which legislation in this body was written not by lawmakers representing their constituents, but lobbyists paid for by special interests. It puts an end to the gifts from those lobbyists—to the free meals, tickets, and the trips and vacations they paid for. It requires complete transparency for any travel paid for by outside groups. And it tells Members of Congress that when they have to fly somewhere, they can do so not on corporate Jets, but on a commercial airline, just like other Americans.

In so doing, this legislation says clearly to the American people, "We are here to do work on your behalf, not ours."

Mr. Speaker, it is a new day in Washington, DC. And with war, budget deficits, and the skyrocketing cost of health care and energy, there is so much we need to do to get this country back on track. But it starts with restoring the public trust in this institution, so that the American people understand that when we cast our votes, we do so with the utmost integrity. That is what this new House rules package ensures, and I am proud to support it.

TRIBUTE TO DR. OFELIA  
TABARES-FERNANDEZ

**HON. LINCOLN DIAZ-BALART**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to congratulate Dr. Ofelia Tabares-Fernandez for her outstanding contributions to the south Florida community. Both in her professional and private life, Dr. Tabares-Fernandez has dedicated countless hours to enriching our community culturally and economically. I wholeheartedly commend Dr. Tabares-Fernandez for her hard work and dedication on behalf of south Florida.

Through years of hard work spanning three decades, Dr. Tabares-Fernandez consistently proved herself a capable leader and an extraordinarily active volunteer. Her professional successes, of which there are many, include her career as a banker and marketing consultant, college trustee, research associate for the Cuban Research project, and director of the College Center for Latin American Studies.

Dr. Tabares-Fernandez earned many civic distinctions as well. To name only a few, she founded the Cuban Patriotic Education Board and the Cuban Women's Club, where she also served as president, and founded the Spanish Speaking Volunteer Service at Jackson Memorial Hospital. To promote and preserve Cuban culture, she produced and directed a local weekly television show, "Cuban Culture," and founded the Cuban Museum of Arts and Culture. Her contributions have earned her numerous awards including "Outstanding

Woman Citizen of the Year" from Florida International University and the "Community Headliner Award."

The life of Dr. Tabares-Fernandez is an inspiration to us all. I am certain that her children, Pepita, Raul, Jr., Aurelio, Patricia, Cesareo, Maria, Juan, Sheila, Jose, and Ximena, are proud of her as well.

Her professional choices, as well as the projects she has enthusiastically undertaken in her free time, reveal Dr. Tabares-Fernandez's life to be one of tireless public service. Her numerous contributions have helped to make our community the extraordinary multicultural metropolis that it is today. As a result, Dr. Tabares-Fernandez has earned herself a very special place in the rich Cuban-American history of South Florida. Dr. Ofelia Tabares-Fernandez is a true humanitarian whose work has permanently impacted our community in a wonderful way.

RECOGNIZING COMMAND SERGEANT MAJOR GEORGE Q. CRISOSTOMO

### HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Ms. BORDALLO. Madam Speaker, I rise today to recognize CSM George Q. Crisostomo on the occasion of his retirement from the United States Army after 28 years of service.

Command Sergeant Major Crisostomo has served our country with distinction both in peacetime and wartime. His exemplary service includes assignments as a Drill Sergeant at Fort Benning, Georgia, and as a Senior ROTC Instructor in Puerto Rico. He served his first combat tour in support of Operation Desert Storm as a Platoon Sergeant while assigned to the 3rd Battalion, 17th Infantry (RAKASSAN), 101st Airborne Division (Air Assault), Fort Campbell, Kentucky. Most recently, Command Sergeant Major Crisostomo served a combat tour in support of Operation Iraqi Freedom as a Command Sergeant Major with the 1st Battalion, 17th Infantry Regiment, Fort Wainwright, Alaska.

Throughout his Army career, Command Sergeant Major Crisostomo distinguished himself as a leader, serving in positions where soldiers relied upon him for guidance, experience, and knowledge. In addition to his leadership assignments in combat and service as an instructor, Command Sergeant Major Crisostomo has served as a Scout Team Leader, Squad Leader, Platoon Sergeant, Company First Sergeant, and Battalion Command Sergeant Major. He was a "soldier's soldier."

Command Sergeant Major Crisostomo's exemplary service earned him numerous awards and military decorations including the Legion of Merit, Bronze Star with one Oak Leaf Cluster and the Meritorious Service Medal. He also earned the Expert and Combat Infantryman badges. Command Sergeant Major Crisostomo received the Korea National Defense Service Medal, the Southwest Asia Service Medal, the Iraqi Campaign Medal, and the Global War on Terrorism Expeditionary Medal.

I wish to recognize the sacrifices and support of Command Sergeant Major Crisostomo's

family, especially his wife, Claire. I also recognize the positive influence that he has had in preparing his children for their futures. His daughter, Jenna Lynn, is now a senior at the University of Arizona, and his son, SGT Joshua D. Crisostomo, is following in his footsteps and is currently serving in Iraq with the 2nd Battalion, 14th Infantry, 10th Mountain Division, Fort Drum, New York.

On behalf of the people of Guam and a grateful Nation, we congratulate Command Sergeant Major Crisostomo and his family as he retires from the United States Army, and we wish him the very best in his future endeavors.

MR. AMIGO 2006

### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mr. ORTIZ. Madam Speaker, I wish today to commend the 2006 "Mr. Amigo," Lucero Hoganza León, chosen recently by the Mr. Amigo Association of Brownsville, TX, and Matamoros, Tamaulipas, in Mexico. Like Cher, Ms. León is popularly known only as "Lucero" among her many fans in the U.S. and Mexico. Each year the Mr. Amigo Association honors a Mexican citizen with the title of "Mr. Amigo," and that person acts as a goodwill ambassador between our two countries.

The Mr. Amigo Award began in 1964 as an annual tribute to an outstanding Mexican citizen who has made a lasting contribution during the previous year to international solidarity and goodwill. "Mr. Amigo" presides over the annual Charro Days Festival.

The Charro Days Festival is a pre-Lenten event, much like Mardi Gras in New Orleans, held in Brownsville and Matamoros. Charro Days festivities last for several days; this year they will be February 25–28 and will include parades and appearances by Lucero. Charro Days is an opportunity to enjoy the unique border culture of the Rio Grande Valley area.

As Mr. Amigo 2006, Lucero will head the international parade of Brownsville Charro Days and Matamoros Fiestas Mexicanas festivities.

During Charro Days, South Texans celebrate the food, music, dances, and traditions of both the United States and Mexico. The United States-Mexican border has a unique, blended history of cowboys, bandits, lawmen, farmers, fishermen, oil riggers, soldiers, scientists, entrepreneurs, and teachers.

The border has its own language and customs. On both sides of the border, there is a deep sense of history, much of which the border has seen from the front row. We have seen war and peace; we have known prosperity and bad times. Charro Days is a time for all of us to reflect on our rich history, to remember our past and to celebrate our future.

Lucero was chosen for this honor based on her accomplishments as an entertainer and her efforts for people with disabilities. Her philanthropic career started in December 1997 when she hosted 27 uninterrupted hours of a telethon to raise money for a rehabilitation center for the handicapped.

While Lucero has won many awards as an entertainer, she has also been named the recipient of the 2002 Double Eagle Leadership

Award. She has recorded 20 albums, including "Ocho Quince," and starred in 6 telenovelas in her career. Currently, she stars in the acclaimed telenovela "Alborada." She co-hosted the seventh annual Latin Grammy Awards in early 2006.

During difficult times in our world, the Mr. Amigo concept unites sister cities on both sides of the border and sends a message that we are neighbors, and mends that trust, understand, and respect each other. We share a language, customs and during Charro Days, we take time to celebrate our distinctive culture.

I urge my colleagues to join me in commending Lucero, the 2006 Mr. Amigo, as well as the cities of Brownsville and Matamoros, for their dedication to international goodwill between the United States and Mexico.

TRIBUTE TO ELIZABETH TERWILLIGER

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Ms. WOOLSEY. Madam Speaker, I rise today to honor Elizabeth Terwilliger, one of Marin County's most beloved heroines, an environmentalist who instilled a love of nature in children of all ages. "Mrs. T.," as she was known to all, died on November 27, 2006, at the age of 97.

Her enthusiastic and interactive teaching style made learning about nature especially entertaining and instructive for children and adults alike. This included President Reagan who, along with an audience at a White House Volunteer Action Award ceremony, flapped his arms like "Mr. Vulture" under her guidance. Her irresistible style ranged from mimicking animal behaviors to demonstrations with taxidermied animals, some of which had come via her own freezer. In her trademark straw hat, she led field trips until she was 85, where her call of "Something special!" alerted eager participants to yet another marvel of the natural world.

Mrs. T's long-time passion for the environment had burgeoned when she started hiking to avoid housework in the 1960s. From that, she became committed to inspire the people of the Bay Area to care for the natural world as she did. "People take care of what they love," she claimed.

This mission began with including other housewives, and then their children, on her hikes, as well as leading field trips for her children's schools and clubs. By the late 60s, she was leading volunteer trips 5 days a week for teachers and wildlife organizations and, in 1970, created Terwilliger Nature Guides with other volunteers. In 1975, the Elizabeth Terwilliger Nature Education Foundation was formed; it later merged with the California Center for Wildlife and became WildCare, an organization which today teaches 40,000 Bay Area school children annually.

"WildCare is honored to follow directly in Mrs. T's adventurous footsteps," said Executive Director Karen J. Wilson. "We are all fortunate that her enthusiasm and energy will live on in the generations of children she has inspired. To underscore her Bay Area legacy, WildCare recently named our San Rafael facility in her honor—we have become the Terwilliger WildCare Center."

She was also a tireless advocate for the environment and open space. Her mark is everywhere in Marin County from the establishment of the Butterfly Grove at Muir Beach to creation of countywide bike paths to preservation of Angel Island and countless other conservation efforts.

Born in Hawaii in 1909, Elizabeth Terwilliger attended the University of Hawaii, and then came to the mainland to earn a master's degree at Columbia University and a nursing degree at Stanford. She met her future husband Calvin, an orthopedic surgeon, at Stanford, and they married in 1939. They moved to Marin in 1946. Calvin passed away in 1990. She is survived by their daughter Lynn Ellen, their son John, and grandsons Dana, Ryan, and Sean.

Elizabeth Terwilliger earned numerous well-deserved accolades and awards, but her true legacy is the contagious passion she inspired in children and adults. Everywhere we see people living her watchword, "This is my country. Wherever I go, I will leave it more beautiful than I found it."

Madam Speaker, Mrs. T. truly left this country beautiful, and we thank and honor her for her for it.

ARMY SPECIALIST JOHN PAUL BARTA: SOUTH TEXAN LOST IN IRAQ

### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mr. ORTIZ. Madam Speaker, since this House last met before Christmas, another South Texan from my Congressional District has fallen in battle in Iraq, and I ask my colleagues to join me in honoring this life lost in the service of our Nation.

Army SPC John Paul Barta, 25, was assigned to the 1st Battalion, 12th Cavalry Regiment, 3rd Brigade, 1st Cavalry Division out of Ft. Hood, Texas. He never saw Christmas Eve; he was killed in Buhriz, Iraq, about 30 miles north of Baghdad, during combat operations on Dec. 23.

Madam Speaker, each time we lose a soldier—a member of our American family—we lose a little piece of ourselves. Each time, it is just unbearable. Let me tell you more about this noble patriot who gave the last full measure of devotion to the nation he loved.

An exceptional athlete, Specialist Barta was remembered as a well-mannered and respectful young man. He attended Flour Bluff High School in Corpus Christi, excelling on both the baseball and football fields.

Throughout his 4-year teenage athletic career, coaches and teammates in both sports knew him as a go-to player who came through even when the odds were long. This star baseball player also gently mentored his teammates. From time to time he was known as a perfectionist.

And while he was a natural competitor depended upon by teammates for the big play, he confided to a friend months ago about the ever-present fear of serving in Iraq. He was humble and he was competitive; precisely the type of person you'd want to wear the sacred uniform of the United States.

Specialist Barta is survived by his wife, Eun Ji, of Killeen; his mother, Laurie Barta, broth-

ers Josh and Billy Ray Barta, and grandparents Adolph Barta, of Corpus Christi, and Jackie and Larry Blake of Milton, FL.

Everyone in the greater South Texas community will miss him, but nobody will miss him like his family. We mourn with this family; we lift up our broken hearts in gratitude to his family, and we all want to see the end of the war in Iraq.

Madam Speaker, I ask the House to join me in honoring Army SPC John Paul Barta and his service on behalf of the United States and to offer our thanks and our deepest sympathy to the family of this warrior, who gave the last full measure of devotion to our Nation and the United States Army.

IN RECOGNITION OF THE 70TH ANNIVERSARY OF THE MONTGOMERY ALUMNAE CHAPTER OF DELTA SIGMA THETA SORORITY, INC.

### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to pay recognition to the 70th Anniversary of the Montgomery Alumnae Chapter of Delta Sigma Theta Sorority, Inc. in Montgomery, Alabama. With nearly 425 members, this chapter remains focused and committed to public service and education in the community.

The Montgomery Alumnae Chapter was founded in 1937 on the campus of Alabama State University. Members will gather on Saturday, January 13, 2007, to observe the anniversary event with a luncheon and rededication ceremony. Throughout the decades, Delta Sigma Theta has been and remains committed to what is known as the Sororities Five Point Programmatic Thrust: Economic Development, Educational Development, Political Awareness and Involvement, Physical and Mental Health and International Awareness and Involvement.

I salute these women and their commitment to philanthropy and wish them the best on this milestone in their chapter. Congratulations to the Montgomery Alumnae Chapter of Delta Sigma Theta on their 70th Anniversary.

IN MEMORY OF JAMES ROITER SCRIVNER

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mr. SKELTON of Missouri. Madam Speaker, it is with deep sadness that I inform the House of the death of Mr. James (Jim) Roiter Scrivner of Versailles, MO.

Mr. Scrivner was born in Stover, MO, on May 4, 1926, son of James Oscar and Adelia B. "Della" Roiter Scrivner. He graduated from Stover High School in 1943 and went on to serve his country in World War II with the United States Navy as a surgical technician. He came back to Missouri and attended Central Methodist College, graduating in 1949. In

October 1950, he graduated as valedictorian from the Kansas City College of Mortuary Service in Kansas City, Kansas.

Mr. Scrivner married Bertha M. "Honey" Guenther on September 3, 1949. They were blessed with three wonderful daughters and two granddaughters.

Mr. Scrivner and his wife established the Scrivner Funeral Home in Versailles in January of 1952 and opened additional funeral homes in Stover and Russellville. In 1984, Mr. Scrivner's daughter and son-in-law became partners in the family business and in 2004 assumed full ownership from Jim and Honey.

Along with his successful business, Mr. Scrivner was very active in his community and church. He served as mayor of Versailles from 1972–1979. In 1972 he received the "Certificate of Appreciation" from the Missouri Municipal League and in 1981 was the recipient of an Economic Development Award from the Missouri Division of Commerce and Industrial Development. Mr. Scrivner was also very active with the Versailles Chamber of Commerce, the Morgan County Fair Board, the Versailles Lions Club, and local politics. For the last 10 years, he has served as a volunteer with the Capital Region Medical Center in Jefferson City. In addition, Jim was a member of the Versailles United Methodist Church.

Madam Speaker, James Roiter Scrivner was a valuable leader in his church and community and a very dear friend. I know the Members of the House will join me in extending heartfelt condolences to his family: his wife Honey; his three daughters, Mona, Sherry, and Jamie; and his two grandchildren.

### RULES OF THE HOUSE

SPEECH OF

### HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 5, 2007*

Mr. KIND. Madam Speaker, I rise today in support of the measures before the House today that will restore civility and fiscal responsibility to our work. These changes to the existing House rules are essential if we are to carry out the American people's wish that we govern wisely, effectively, and in a bipartisan way.

With the votes before us today, Democrats who now find ourselves in the majority are reaching out to the other side of the aisle to assure them that we will not treat you as we were treated while we were in the minority. Through these changes we will make sure that 15-minute votes are not held open for three hours while votes are bought through arm twisting and legislative favors; that conference committees will be open to Republicans as well as Democrats; and that conference agreements cannot be circumvented through the addition of new language after they have been signed. Today we vote for the honesty and openness demanded of us by our constituents and expected in a civil, democratic society.

Today we also vote for fiscal responsibility. For five long years now, this Congress has approved, and the President has signed, budget, spending, and tax bills that have turned an enormous surplus into staggering deficit, adding tremendous burden to our children and grandchildren.

As a member of the budget committee for the last two congresses, I joined my Democratic colleagues in calling for a return to the days of paygo legislation so that all new spending is offset by corresponding reductions or new revenue. It is fitting that in our new majority we take this up as our second order of business. May hardworking families across this Nation understand that from this point forward, Congress will spend your money wisely, using the same budget discipline that you employ each and every day in your spending decisions. The days of deficit spending are coming to an end.

I thank Speaker PELOSI, Majority Leader HOYER, and our entire leadership team for bringing these issues to the floor and moving the 110th Congress in a new direction. I look forward to working with my colleagues on both sides of the aisle to solve the challenges facing this country. The rules changes before us today will help us do that, and I urge everyone here today to vote in favor of titles 2 and 3 of H. Res. 6.

#### HONORING THE MEMORY OF MARY LOU PALMER

##### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mr. HIGGINS. Madam Speaker, I rise today to honor a great Western New Yorker and a longtime, dedicated aide to my predecessor in Congress. Mary Lou Palmer of Hamburg, New York, served as chief of staff to my predecessor, former Congressman Jack Quinn, for the entirety of his 12 years in Congress, and did so with dignity, grace, and effectiveness.

Born Mary Lou Brown in our common hometown of South Buffalo, New York, Mary Lou was a devoted wife and mother who ran a successful business here in Western New York. She started in politics as a volunteer and rose to be chief of staff to my predecessor, never forgetting from whence she came, or the people that her boss represented.

Mary Lou was a tremendous help to my own senior staff during the transition period between my predecessor's service in Congress and my own.

It is with great sadness, Madam Speaker, that I announce Mary Lou's passing to the House, and I am certain that our colleagues will join with me in extending to Mary Lou's family our deepest sympathies.

#### COACH BOB KNIGHT

##### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mr. POE. Madam Speaker, in West Texas, football has been king since the beginning of time. Other sports were "foreign" to the flat, dry plains. Then somebody from a college in Indiana showed up, with a round ball and changed the Texas sports landscape. Bob "The General" Knight became the head coach of the Texas Tech Red Raiders men's basketball team—yes, basketball. On January 1,

2007, the threshold into a new year, Knight crossed another important threshold—becoming the winningest coach ever in NCAA Division I basketball with a total of 880 victories. This record came in a win, by Texas Tech, over the University of New Mexico Lobos, with a score of 70–68. The previous record holder was Dean Smith, head coach of the University of North Carolina. Coach Knight has made basketball at Texas Tech into a cause and crusade.

A review of Knight's collegiate coaching career is in order. We start where Knight, himself, started—the West Point Military Academy. It was there that Knight earned his first head coaching job at the extraordinarily young age of 24. It was at West Point that Knight earned the nickname "The General." His tenure at West Point produced a basketball record of 102 wins and 50 losses.

After West Point, Knight went on to the basketball state of Indiana, and the University of Indiana Hoosiers, in 1971. Leading the Hoosiers is where the achievements began to pile up in the trophy room. Knight's accomplishments boast three National Championships (1976, 1981, and 1987), a never replicated, undefeated season (1976), eleven Big Ten Conference titles (1973–1976, 1980–1981, 1983, 1987, 1989, 1991, 1993), National Coach of the Year (1975, 1976, 1987, 1989), and Big Ten Coach of the Year (1973, 1975, 1976, 1980, 1981). As a Hoosier, Knight averaged a 73% success rate with 662 wins and 239 losses.

Outside of the NCAA national championships, Knight has led teams to three other championships. In 1979, the Hoosiers won the NIT Championship. Also, in 1979, Knight coached the Pan American team to a gold medal. In 1984, Knight had the privilege of leading the U.S. men's basketball team to a Gold Medal at the Summer Olympics in Los Angeles. On May 13, 1991, Knight was memorialized when he was inducted, for his coaching, in the Naismith Basketball Hall of Fame.

In 2001, Knight accepted the head coach position at Texas Tech and quickly turned the program around into a winning organization. Coach takes ordinary players and teaches them to perform above their ability. We can expect to see the Red Raider's basketball team to continue to excel in the future.

Finally, it is worth noting that Knight's accomplishments extend beyond the court, beyond the victories—He is first and foremost a teacher. High graduation rates mark his teams, and many excellent players, most notably Isaiah Thomas, have gone on to professional and Hall of Fame glory. Also, 16 former assistant coaches of Knight have gone on to become head coaches at the collegiate level.

So, Madam Speaker, as the New Year rings in, I commend Bob Knight for excellence in leadership of America's youth. The West Texas sports landscape has, yes, changed forever.

That's just the way it is.

#### HONORING THE LIFE OF JEROMY PAUL CASTRO NEWBY

##### HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Ms. BORDALLO. Madam Speaker, I rise today to honor the short life of Jeromy Paul Castro Newby who passed away on January 5, 2007, but whose life inspired many people on our island of Guam. To all who knew him, Jeromy was a cheerful young man whose smile and warmth brightened those around him. He was active in school and village activities and his service to our community is an enduring example for young people on Guam.

A tenth-grader at Southern High School in Guam, Jeromy was an excellent student who earned the appreciation of his teachers and classmates. Jeromy was a competitive athlete, who was respected for both his skill and sportsmanship on the basketball court and baseball diamond. Jeromy was also a performer with the Inetnon Gef Pago, a cultural performance group dedicated to promoting the Chamorro culture through song and dance. Jeromy's love of our island and the Chamorro culture was evidenced by the activities he participated in and the relationships he formed.

Jeromy's memory will be cherished by those whose lives he touched. I join our community in extending heartfelt condolences to his parents, Johnny Reyes and Lynette Castro Newby, his brothers Johnny Lee, Joe Michael, and Jesse Noel, and his sisters Jenny Lynn and Jenny Lou for their loss.

#### IN MEMORY OF IKE LIVERMORE

##### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mr. THOMPSON of California. Madam Speaker, I rise today for the solemn purpose of commemorating the life of a monumental figure. Ike Livermore was one of the great leaders of the conservation movement, and as much as anyone in the 20th century, he was responsible for preventing the development, division, and exploitation of California's last unblemished areas. But his legacy far exceeds a crusade against the intrusion of the modern world into the wilderness. In the life he lived and through the ideas he championed, Ike Livermore reminded us that the obligation to protect our natural heritage is not a burden, and though the battles and compromises may not be easy, the reward for perseverance is a richer existence for all.

Ike Livermore lived an adventurous life. At the age of 15, he and a friend took mules across a rough section of the central coast for 10 days without crossing a single road. This was the trip that formed the basis of his long-standing opposition to the construction of Highway 1 on the coast. Having graduated from Stanford, he traveled to the 1936 Olympics as a member of the United States' baseball team. Subsequent to completing his M.B.A. degree, again at Stanford, he served as a Lieutenant in the United States Army during World War II. Here he was a witness to history during the invasions of Sicily, Okinawa, and Iwo Jima.



After returning to California, Mr. Livermore first founded a mule-packing company in the southern Sierra and then a small lumber mill near his family home in Northern California. In 1952 he went to work as treasurer at Pacific Lumber Company, and helped promote sustainable logging practices during the heyday of the California logging industry. Many of the areas he advocated be protected as wilderness were near areas being logged by the company, but Ike understood the need for balance in resource management.

In 1967, he gladly accepted a request to join the cabinet of California Governor Ronald Reagan as the Secretary of Resources. During his time in the Reagan Administration, Ike was a fierce opponent of several attempts to build roads over these passes he himself had walked, and finally convinced the Governor to scuttle plans to build two roads over the highest passes. His wisdom is readily apparent: the areas in question have now been designated Sequoia National Park and the John Muir wilderness. He was also instrumental in the creation of Redwood National Park on the northern Coast. Marshalling the same arguments he had made in his master's thesis 30 years earlier, he convinced members of Governor Reagan's cabinet that the economic benefits of wilderness far outweighed other potential uses of the land. Such reasoning is the foundation of the important modern understanding that the preservation of wild land can be as valuable as its exploitation.

Ike's heart was always in the wild country, and throughout many years in the environmental community he caused others to share his appreciation of unspoiled natural beauty during expeditions all over the state. Among his favorite places in the high Sierra Nevada was the long, mostly undeveloped stretch from Yosemite National Park to Walker Pass. While operating his mule-packing venture he covered much of this territory, and after he had folded the business and moved on with other pursuits, he continued to return to the area for many years leading Sierra Club expeditions and fighting to oppose development.

Madam Speaker, many people will gather at the end of the month to remember Ike, and all the good that he has done. But it takes more than great accomplishments to earn a place in people's hearts. Ike Livermore was, above all, a great and kind man. Loving towards family and friends, calm and respectful in his conduct, a strong and passionate leader for the causes he championed, Ike's life is a model for future generations. His works did not define him, but were a reflection of the man who gave so many his wisdom and guidance. He will long be remembered as a true, Californian, a visionary environmentalist who understood the balance of man and nature, and realized that both must be allowed to prosper.

Madam Speaker, it is appropriate at this time that we remember and celebrate the life of Ike Livermore. His accomplishments are innumerable, but he leaves behind a greater legacy of personal involvement in the wilds of California. He proved by example that one can be an industrialist and an environmentalist, and after his retirement from public life, he remained active fighting for wilderness all over the state. His life will long be remembered, even as his ideas continue to bear fruit.

## COUNCIL OF KHALISTAN SENDS NEW YEAR GREETING TO THE SIKH NATION

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mr. TOWNS. Madam Speaker, the Council of Khalistan, which leads the peaceful, democratic, nonviolent effort to free Khalistan, the Sikh homeland, from India, has sent New Year's greetings to the Sikhs from the council and its president, Dr. Gurmit Singh Aulakh.

In the letter, Dr. Aulakh calls On Sikh political leaders to stand up for the interests of their people, which is what all of us in public office anywhere should be doing. He notes that without sovereignty, nations perish, and he cites the situation of the Jewish people before World War II as compared to their situation now. That is a good example of what sovereignty can do for a people. He calls on the Punjab Legislative Assembly that is about to be elected next month to pass a resolution again declaring Khalistan's independence.

Dr. Aulakh calls for the return of the state capital, Chandigarh, to Punjab, along with the Punjabi areas of neighboring states Himachal Pradesh and Haryana. He urges an end to the diversion of Punjab's water without compensation. He notes that the farmers are being oppressed by being forced to buy fertilizer at exorbitantly high rates but being forced to sell their crops at ridiculously low prices. He notes the insults and repression that India has inflicted on the Sikhs, including the Golden Temple attack, the murder of over 250,000 Sikhs since 1984, the fact that more than 52,000 Sikhs are being held as political prisoners, and so many other violations. The letter notes that in an independent Khalistan, India would not be able to inflict such insults and repression on the Sikh Nation.

In addition to the quarter of a million Sikhs it has murdered, the Indian regime has killed over 300,000 Christians in Nagaland, more than 90,000 Muslims in Kashmir and 2,000 to 5,000 in Gujarat, as well as Christians and Muslims elsewhere in the country and Tamils, Manipuris, Dalits, Bodos, Assamese, and other minorities. Tens of thousands of people are held as political prisoners, according to Amnesty International. Congress should demand the release of all political prisoners and the prosecution of those who have violated the rights of Sikhs, Muslims, Christians, and other minorities.

Madam Speaker, the time has come for the glow of freedom to be enjoyed by everyone. It is time to cut off American aid and trade with India until all people enjoy full human rights there. In addition, we should put the U.S. Congress on record in support of freedom everywhere in South Asia. Now that a new Congress has taken office, it is an ideal time to pass a resolution calling for a free and fair plebiscite on the subject of independence. That is the democratic way to do things and it's time that India started behaving like a democracy.

Madam Speaker, I would like to put the Council of Khalistan's New Year message into the RECORD at this time.

COUNCIL OF KHALISTAN,

*Washington, DC, January 9, 2007.*

DEAR KHALSA, JR:

Waheguru Ji Ka Khalsa, Waheguru Ji Ki Fateh!

The New Year has already arrived. Happy New Year to you and your family and the Khalsa Panth. May 2007 be your best year ever. I wish you health, joy, and prosperity in the new year.

The flame of freedom continues to burn brightly in the heart of the Sikh Nation. No force can suppress it. Guru Gobind Singh blessed the Khalsa Panth, saying "in grib Sikhin ko deom Patshahi." ("I bless the humble Sikhs with sovereignty.") The Sikh Nation must dedicate this year to working hard to achieve that goal. Self-determination is the right of all peoples and nations and the essence of democracy. Without sovereignty, religions perish. With sovereignty, they flourish. Compare the situation of the Jewish people in Europe before World War II to their situation now. There is no reason Sikhs cannot achieve a similar change of fortune.

It has been said that "without vision, the people perish," but with vision, the people flourish. It is time for the Sikh Nation to flourish. Sikhs have suffered too much already under the yoke of Indian persecution since independence, especially over the past 25 years. We have seen the attack on the Golden Temple, over 250,000 Sikhs murdered and over 52,000 held as political prisoners, the murder of the Akal Takht Jathedar, more than 50,000 Sikh youth tortured, murdered, then declared unidentified and secretly cremated, their bodies never returned to their families. Their families continue to suffer. We must help their widows and orphans. Let us find the vision to throw off this repression. With that vision, the Sikh Nation will flourish; without it, we will perish and India's effort to eliminate Sikhism will succeed. This is the reason that Guru Gobind Singh sent Sikhs to learn Sanskrit and to gain knowledge of other religions, so that the Khalsa Panth might be more enlightened and be aware of the qualities of its own religion and culture.

The Indian government is reacting to the rising tide of freedom for the Sikh Nation. It has stepped up its efforts to destroy the Sikh religion and deny Sikhs an environment to flourish. They have kept Punjabi-speaking areas out of Punjab while supporting an influx of Hindus into Punjab. Sikhs are prohibited from buying land in Rajasthan, Himachal Pradesh, and Uttaranchal Pradesh, yet there are no restrictions on land ownership in Punjab by non-Sikhs. People from anywhere can buy land in Punjab, including people from Rajasthan and Himachal Pradesh. India is trying to subvert Khalistan's independence by overrunning Punjab with non-Sikhs while keeping Sikhs from escaping the brutal repression in Punjab. I ask Captain Amarinder Singh and Badal to get the Punjabi-speaking areas back from Haryana and Himachal Pradesh. These areas rightfully belong to Punjab. When will the political leaders of Punjab stand up for the Sikhs?

In Punjab, the Sikh population is 75 percent rural. Sikhs are dependent on agriculture. The lifeline of farmers is water. We must stop the diversion of Punjab's water to Rajasthan and Haryana without compensation. That is a natural resource of Punjab. A couple of years ago, Captain Amarinder Singh's government cancelled the water agreements. I call on Chief Minister Amarinder Singh to use his power to receive payments for this water. As we pay the price for the coal we get from the Indian government, then why can't we get paid for the water we give? Sikh leaders in Punjab must take a strong stand on this issue.

The Indian government squeezes Sikh farmers by all available means. They sell fertilizer and seeds at very high cost but when

it comes time to sell produce, the government sets the price very low. This leads to thousands of farmers committing suicide because of their colossal financial indebtedness to the Indian government.

It is time to take control of the Bhakra Dam and the Nangal hydroelectric project. These belong to Punjab but are controlled by the Delhi regime. Punjab must take complete control of these projects and sell electricity at market rates. The Gobindgarh Fort, which was built by the Sikh missal Bhangian, was recently returned to Punjab by the Indian government. That is a good first step. Now all that is the Khalsa Panth's, including the sovereignty that is our birthright, must also be returned so that Sikhs can flourish in the glow of freedom promised by the Indian National Congress during the independence struggle.

The capital of Chandigarh was built by Punjab. Punjab must get it back from the Indian government. It is the height of high-handedness to make Chandigarh a Union Territory. I ask Chief Minister Amarinder Singh to take this good opportunity to regain control of Chandigarh. This will help him politically as well. Haryana is a wealthy state; let Haryana build its own capital.

In November we met with Pakistani Prime Minister Shaukat Aziz. He said he would build a road from Kartapur Sahib to the Indian border, provided that the Punjab government builds its portion as well. I have visited Kartapur. There is only a mile or so of the road and the Ravi River is completely dried up. The bridge, which is on the Indian side, needs minor repairs. This road would be good for the people on both sides of the border. It would help build good relations between India and Pakistan, particularly between Pakistan and the Sikhs of Punjab. I urge Captain Amarinder Singh to build the road immediately so that Sikhs from Punjab can visit Kartapur Sahib where Guru Nanak departed this Earth for his heavenly abode. It is a serene place.

The RSS and its political arm, the BJP, want to divide the Sikh Nation. The Dasam Granth is RSS mischief. The issue of its authorship has been settled long ago, despite what any Indian-controlled Sikh leader may say now. I urge Akal Takht Jathedar Joginder Singh Vedanti to stop the discussion of the Dasam Granth completely and concentrate his efforts on achieving freedom for Khalistan and stopping the vices that have percolated in the Sikh religion, including abortion of female fetuses, drinking liquor, and the caste system. Guru Gobind Singh created the Khalsa as equals. Mazhabi Sikhs are as good Sikhs as anyone else. They are our brothers and sisters and we must treat them as equals. Remember what Guru Gobind Singh said: "Ragrete Guru ke Bete." ("The Mazhabi Sikhs are the sons of the guru.") Guru Gobind Singh lifted them up and Sikhs established Sikh rule from 1710 to 1716 and from 1765 to 1849. When America declared its independence in 1776, Punjab was already ruled independently by the Sikh missals.

Twice last year, Sikhs were arrested for making speeches in support of Khalistan and raising the Khalistani flag. The Indian regime is clearly worried about the rising tide in support of Sikh sovereignty. Let us dedicate our energy this year to achieving the establishment of Khalistan. Any organization that sincerely supports Khalistan deserves the support of the Sikh Nation. When Khalistan is free, the Sikhs can resolve these issues in a way that benefits the Khalsa Panth, not the forces of Hindutva.

However, the Sikh Nation needs leadership that is honest, sincere, consistent, and dedi-

cated to the cause of Sikh freedom if we are to continue to move the cause of freedom for Khalistan forward in 2007 as we did in 2006. Remember the words former Jathedar of the Akal Takht Professor Darshan Singh: "If a Sikh is not a Khalistani, he is not a Sikh." Khalistan is the only way that Sikhs will be able to live in freedom, peace, prosperity, and dignity. It is time to start a Shantmai Morcha to liberate Khalistan from Indian occupation. We must achieve our freedom by peaceful, democratic, nonviolent means. Let that be the mission of 2007.

Elections for the Punjab Legislative Assembly will be held on February 13. Vote only for candidates who are committed to establishing Khalistan and will work to make it a reality. Every morning and evening the Khalsa Panth recites "Raj Kare Ga Khalsa." We must dedicate ourselves to realizing this. The time is now. We can do it by the ballot. I ask Sikhs of every political shade not to miss this opportunity. We must realize it now. When the Punjab Legislative Assembly reconvenes it must pass a resolution for the independence of Khalistan. As soon as that resolution passes, India will no longer be able to repress the Sikhs. Three million Sikhs living outside India will make sure that Khalistan is free without any further loss of human life. In a democracy, you can't rule the people against their wishes.

Sikhs will never get any justice from Delhi. Ever since independence, India has mistreated the Sikh Nation, starting with Patel's shameful memo labeling Sikhs "a criminal tribe" even though the Sikh Nation gave over 80 percent of the sacrifices to free India. How can Sikhs continue to live in such a country? There is no place for Sikhs in supposedly secular, supposedly democratic India.

Let us make certain that 2007 is the Sikh Nation's most blessed year by making it the year that we shake ourselves loose from Indian oppression and liberate our homeland, Khalistan, so that all Sikhs may live lives of prosperity, freedom, and dignity. Now it is up to us. Do not waste this opportunity.

May Guru bless the Khalsa Panth in 2007 and always.

Sincerely,

DR. GURMIT SINGH AULAKH,  
President, Council of Khalistan.

HONORING DOCTOR CRAIG C.  
MELLO, PHD

HON. JAMES P. MCGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. MCGOVERN. Madam Speaker, I rise today to honor Dr. Craig C. Mello, PhD of the University of Massachusetts Medical School (UMMS) in my hometown of Worcester, Massachusetts for his great work in the advancement of genetic research.

Born in New Haven, CT in 1960, Dr. Mello is an alumnus of Brown University where he received a Bachelor's of Science in Biochemistry in 1982 and Harvard University where he received his PhD in Cellular and Developmental Biology.

Dr. Mello and his colleague Dr. Andrew Fire are today's pioneers in RNA interference (RNAi). Their dedication to science and research has provided the world with evidence that will lead to the saving of lives around the

world. Dr. Mello's research is not only groundbreaking but revolutionary.

Madam Speaker, Dr. Mello's and Dr. Fire's discovery was published in Nature magazine in 1998. They have received several awards, including the National Academy of Sciences Award in Molecular Biology and the Wiley Prize in Biomedical Sciences as well as international awards in Germany and Canada. Most recently, Dr. Mello and Dr. Fire received the Nobel Prize in Physiology in 2006 for their work on RNAi, the highest honor in the world in the field of medicine and physiology.

Dr. Craig C. Mello has instilled a sense of pride among the citizens of the Commonwealth of Massachusetts and the City of Worcester with his research in the field of developmental gene regulation.

Madam Speaker, I am sure that the entire U.S. House of Representatives joins me in thanking Dr. Craig C. Mello for his contribution to the field of genetic research and congratulating him on his achievement of the 2006 Nobel Prize in Physiology and Medicine.

IN LASTING MEMORY OF Q.  
BYRUM HURST

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. ROSS. Madam Speaker, I rise today to honor the memory of Q. Byrum Hurst, who passed away December 4, 2006, in Hot Springs, AR, at the age of 88.

Mr. Q. Byrum Hurst had two passions—law and politics. He passed the Arkansas bar exam in 1941 and spent his life in politics with the exception of his stint in the U.S. Army from 1943–1945. Q. Byrum Hurst was elected Garland County Judge in 1947 and then elected to the State Senate where he served 22 consecutive years. In 1967, Mr. Hurst was elected President Pro Tempore of the Senate where he also served as Acting Governor of Arkansas during the absence of the sitting Governor.

Q. Byrum Hurst was recognized as one of the most powerful and influential men in Arkansas politics where he earned a reputation for his hard work on behalf of Hot Springs, his hometown.

Q. Byrum Hurst was an active, lifelong member of the First Church of God where he also served as Sunday School Superintendent. He was also a long-time supporter of the Boy Scouts of America and the Optimist International Club.

My deepest condolences go to his children, Q. Byrum Hurst, Jr., of Hot Springs; Lezah Stenger of Springfield, MO; Byretta Fish of Bentonville; to his 17 grandchildren and 25 great-grandchildren; and to his brother F.L. Hurst of Hot Springs and his sister Norma Jean Austin of San Antonio, TX. Q. Byrum Hurst will be greatly missed in Hot Springs, Garland County and throughout the State of Arkansas.

HONORING CHERI DEAN OF LAKE  
COUNTY, CALIFORNIA

**HON. MIKE THOMPSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mr. THOMPSON. Madam Speaker, I rise today to recognize Ms. Cheri Dean on the occasion of her retirement from the Social Security Administration after 31 years of service to the government and people of Lake County.

Ms. Dean was hired as a claims development clerk in 1976 and was promoted through a series of positions from administrative assistant to service representative and finally to claims representative. At each stage of her career she has been a model of professional excellence and has worked hard to ensure that the needs of Lake County's residents are met. Her timely action has ensured the continuity of payments to many people who relied on her work.

After her retirement, Ms. Dean will move to Oklahoma where she will live near her family. She plans to spend time working on a family genealogy and traveling throughout the region.

Madam Speaker, it is appropriate at this time that we thank Ms. Dean for her decades of service with the Lake County branch of the Social Security Administration, and I wish her all the best in the future.

**INTRODUCTION OF MEDICARE PRESCRIPTION DRUG NEGOTIATION ACT OF 2007**

**HON. JOHN D. DINGELL**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mr. DINGELL. Madam Speaker, seniors, individuals with disabilities and the taxpayers of America were done a disservice in 2003 when the Medicare Prescription Drug legislation passed with a provision that prohibits the Secretary of Health and Human Services from negotiating with drug manufacturers for lower prescription drug prices. Representatives EMERSON, RANGEL, PORTER and I are introducing the Medicare Prescription Drug Negotiation Act of 2007 today to help seniors get the lowest prices possible on prescription medications under Medicare.

This legislation removes the prohibition of the Secretary from negotiating lower prescription drug prices. Moreover, it requires the Secretary to negotiate for lower prescription drug prices in Medicare without restricting access to any medications.

Drug prices under the Medicare prescription drug plan are more than 80 percent higher than prices negotiated by other agencies in the Federal government and more than 60 percent higher than prices in Canada. And this year the prices for each of the top five most popular drugs taken by seniors have gone up.

Currently, each of the 1200 plus prescription drug plans can use its volume of enrollees as leverage to purchase at bulk and other discount rates from drug companies. The Government, however, cannot do the same on behalf of Medicare's 40 million beneficiaries. We are now requiring that the Secretary do just that.

This simple legislation could save billions in prescription drug costs, premiums, and cost sharing for the millions of Medicare beneficiaries. It leaves the details up to the Secretary of HHS, who has the necessary experience and expertise to secure lower prescription drug prices. This bill has the support of the AARP, Consumer's Union and the AFL-CIO.

It is time we put the best interests of Medicare beneficiaries ahead of those of the drug companies. Seniors are clamoring for relief, and Americans overwhelmingly support having the Secretary of HHS negotiate for lower prescription drug prices on behalf of Medicare. The Medicare Prescription Drug Negotiation Act of 2007 is specifically designed to correct the shortfalls of the flawed 2003 Medicare Prescription Drug legislation and to provide affordable prescription drugs to Medicare beneficiaries.

**INTRODUCTION OF RESOLUTION CHARGING IRANIAN PRESIDENT MAHMOUD AHMADINEJAD WITH VIOLATION OF THE 1948 CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE**

**HON. MARK STEVEN KIRK**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mr. KIRK. Madam Speaker, today, along with my colleague STEVEN ROTHMAN (D-NJ), I introduce a resolution charging Iranian President Mahmoud Ahmadinejad with violating the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. This resolution urges the United Nations Security Council to use its power under international law to hold the Iranian leader accountable for his genocidal statements targeting the Israeli people.

The Convention on the Prevention and Punishment of the Crime of Genocide was designed by the international community to outlaw genocide; to never again allow a massive crime similar to the Holocaust by Nazi Germany during World War II.

But now we are faced with an Iranian leader whose public statements call for a second Jewish Holocaust.

The Convention on the Prevention and Punishment of the Crime of Genocide prohibits not only acts of genocide, but also prohibits "direct and public incitement to commit genocide."

This resolution urges the United Nations Security Council to examine the evidence of Ahmadinejad's incitement. In order to present the evidence in a clear and concise manner, I recently asked the Congressional Research Service to compile a list entitled "Ahmadinejad in His Own Words," and I present it to the House today.

On October 26, 2005, in advance of Iran's Jerusalem Day, established by Ayatollah Khomeini, Ahmadinejad spoke at a conference of the Society for the Defense of the Palestinian Nation, and members of the Islamic Students Union, and an audience of hundreds of students.

In his speech, he described his vision of an age-old confrontation between the world of

Islam and the "World of Arrogance," that is the West; portraying Israel and Zionism as the spearhead of the West against the Islamic nation. He emphasized in that speech the need to eliminate Israel which, he said, was an attainable goal.

He delivered this speech before several representatives of Hizbullah and its leader Hassan Nasrallah and Hamas leader Khaled Mash'al.

Speaking to a student conference then, entitled "World without Zionism," Mahmoud Ahmadinejad stated:

"Very soon this stain of disgrace (i.e. Israel) will vanish from the center of the Islamic world—and this is attainable. . . .

The people who sit in closed rooms cannot decide on this matter. The Islamic people cannot allow this historic enemy to exist in the heart of the Islamic world. . . .

I hope that the Palestinians will maintain their wariness and intelligence, much as they have pursued their battles in the past ten years. This will be a short period, and if we pass though it successfully, the process of the elimination of the Zionist regime will be smooth and simple. . . .

Our dear Imam [Khomeini] ordered that the occupying regime in Jerusalem be wiped off the face of the earth. This was a very wise statement."

On April 15, 2006, at the opening of a conference on supporting the Palestinians, he said:

"Like it or not, the Zionist regime is heading toward annihilation."

On April 27, 2006, he stated in a speech in the western Iranian town of Zanjan, carried on live national television.

"This regime (Israel) will one day vanish."

On May 11, 2006, Ahmadinejad made a reference to Israel in a speech to students and instructors at University of Jakarta, he said:

"I advise them to pack up and move out of the region before being caught in the fire they have started in Lebanon."

On July 8, 2006, speaking to regional officials at the opening of a two-day conference in Tehran on security in Iraq, he said: "The basic problem in the Islamic world is the existence of the Zionist regime, and the Islamic world and the region must mobilize to remove this problem."

On July 29, 2006, during an emergency meeting with Muslim leaders, he said:

"The real cure for the (Lebanon) conflict is elimination of the Zionist regime, but there should be first an immediate ceasefire."

On August 3, 2006, in a speech before the Organization of the Islamic Conference, to presidents, prime ministers and policy-makers of 17 Muslim-majority nations in Malaysia, a major international conference, he said:

"The Zionist regime is fraudulent and illegitimate and cannot survive."

On October 19, 2006, speaking to crowds of people in Islamshahr, southwest of Tehran, he said:

"This regime will be gone, definitely. You should know that any government that stands by the Zionist regime from now on will not see any result but the hatred of the people."

On December 12, 2005, in a speech to thousands in the southeastern city of Zahedan in the southeastern Sistan va Baluchistan Province and this was carried on Iranian television, Ahmadinejad said:

"Today, they (Europeans) have created a myth in the name of Holocaust and consider

it to be above God, religion and the prophets . . . If you committed this big crime, then why should the oppressed Palestinian nation pay the price? . . . This is our proposal: If you committed the crime, then give a part of your own land in Europe, the United States, Canada or Alaska to them so that the Jews can establish their country."

On April 24, 2006 at a press conference in Tehran, he said:

"Every German-born is indebted to the arrogant and greedy Zionists. . . . Sixty years after the war, why do the Palestinian people have to burn in the crimes of Zionists under the pretext of the Second World War?"

And on December 8, 2005, speaking at a press conference on the sidelines of an Organization of the Islamic Conference anti-terrorism summit in Mecca, Saudi Arabia, he said:

"Today, they have created a myth in the name of Holocaust and consider it to be above God, religion and the prophets . . . If you (Europeans) committed this big crime, then why should the oppressed Palestinian nation pay the price? You have to pay the compensation yourself. This is our proposal: give a part of your own land in Europe, the United States, Canada or Alaska to them so that the Jews can establish their country."

This is President Ahmadinejad in his own words that I place before the House—all accurately translated and provided in one place to present clearly a rising danger to our allies in Israel and to the West in general.

I was looking briefly at a recently translated quote by another leader. He said:

"Why does the world shed crocodile's tears over the richly merited fate of a small Jewish minority? But what happened to the conscience of the world when millions in Germany were suffering from hunger and misery? I ask Roosevelt, I ask the American people: Are you prepared to receive in your midst these well-poisoners of the German people and the universal spirit of Christianity?"

It may sound like a recent speech from Mahmoud Ahmadinejad. It was actually the works of Adolf Hitler from the magazine *Staatszeitung*. Looking at these words we have an eerie echo of the past, and potentially a warning of the future. I lay them before the House today so that we see them all clearly, for who this leader is, what he has stated publicly, and where he would like to take his nation.

Madam Speaker, we founded the United Nations out of the ashes of the Holocaust. How can we sit idly by today as a UN Member State openly speaks of bringing another one?

The United Nations Security Council should charge President Ahmadinejad with violating the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and increase international condemnation of this dangerous leader. I want to thank Congressman ROTHMAN for leading with me on this issue and I urge my colleagues to support this legislation.

## INTRODUCTION OF THE IDENTITY THEFT PREVENTION AND TIMELY REPORT ACT OF 2007

**HON. SUSAN A. DAVIS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mrs. DAVIS of California. Madam Speaker, I rise today to address a horrible form of identity theft.

We have heard plenty lately about the need to take swift action to prevent this serious crime. In 2006, one of the largest data security breaches in history occurred when the Department of Veterans Affairs, VA, lost the names, Social Security numbers, and the dates of birth of over 26 million Americans. We hear a lot about security breaches and the identity theft of living Americans. One aspect of the crime you do not always hear about is the misuse of personal information of deceased Americans.

This is a serious issue for many reasons. For one, it is their loved ones who pay the price. Months or even years after a family member passes away, surviving spouses or other relatives will begin to receive credit card bills or even phone calls from bill collectors. A predator can go onto certain web sites and purchase Social Security numbers that are sold for purposes of tracking family histories and genealogy. The predator then uses the Social Security number to apply for credit cards, loans, and other forms of consumer credit.

There were even reports that a predator was misusing the personal information of a New York City resident who died in the September 11, 2001 terrorist attacks. In another case, a woman began to receive bills addressed to her daughter who had passed away 17 years before.

In my hometown of San Diego, the local news media shed light on another unfortunate case. A predator took information on a woman published in an obituary and used it for identity theft crimes. It was up to her son to repair the damage and put an end to the abuse. I cannot imagine the emotional toll these cases must take on surviving relatives, and I rise today to take action to prevent further cases of this crime.

It is time Congress acted to block this form of identity theft from continuing. Predators can collect this information with relative ease giving them a steady supply of Social Security numbers, dates of birth, and the information they need to commit these horrible crimes. Furthermore, this form of identity theft can ruin the good names and pristine credit histories of those who are deceased. Unless we take action, family members will continue to suffer from the misuse of their loved ones' personal information.

The legislation I introduce today, the Identity Theft Prevention and Timely Report Act of 2007, requires that the Federal Government inform each national credit bureau when an individual passes away. In turn, the credit bureaus will flag the histories of those who are deceased and potential creditors will know not to issue lines of credit or new loans to those attempting to misuse personal information.

Madam Speaker, I urge that we act to stop this vicious form of identity theft and protect the relatives of America's deceased.

## GANDHI: BEHIND THE MASK OF DIVINITY

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mr. TOWNS. Madam Speaker, I have recently encountered a book entitled *Gandhi: Behind the Mask of Divinity*, which sheds new light on the founder of India. The author, Colonel G. B. Singh, USA, portrays Mohandas Gandhi as a person who was more interested in advancing his own group than in the advancement of all people. Using Gandhi's own words, Colonel Singh portrays a very different Gandhi than you and I have been told about.

Colonel Singh argues that the Gandhi we have been told about isn't the real Gandhi. He writes that he hopes that his book will stimulate discussion and provoke people to think about who Mohandas Gandhi really was. Since Gandhi is considered the father of the Indian nation, understanding his character is essential to understanding India.

Colonel Singh's book is definitely controversial, but it is an important contribution to a full understanding of this important historical character.

Madam Speaker, there is an excerpt from the book's introduction on the back cover, which has been reproduced, and I would like to introduce that two-paragraph excerpt into the RECORD at this time to give a flavor of the book and encourage people to broaden their perspective on Gandhi.

FROM THE INTRODUCTION TO *GANDHI: BEHIND THE MASK OF DIVINITY*

(By G.B. Singh)

Over the years I have discussed Gandhi with many Americans, both formally and informally. . . . What continues to irk me is the amount of Gandhi "propaganda material" that has flooded our libraries and bookstores. For an unsuspecting Westerner, the reading of Gandhi as he is portrayed on these shelves can bring about the intended result. That is understandable. This book is an attempt to close the gap between the popularized Gandhi and the historical Gandhi. This book will incite readers to be more open-minded and to seek to validate the "truths" presented. My hope is that it will provoke honest, healthy, and open dialogue and foster more scrutiny about him. . . .

Years of dedicated research on Gandhi convinced me that our hero was fundamentally a racist. In this book, I present the facts. The evidence presented here is not a matter of speculation or distorted interpretation. Much of the irrefutable evidence lay buried beneath a mountain of Gandhi's own writings—in his own words, which I have uncovered—comments that will be difficult to dispute once they are read. In this book you will read the evidence in its entirety. My primary intention is to untangle the web that Gandhi weaved—and his followers are still weaving—for many years. Only through a methodical probing can we expose Gandhi's campaign of deception: the lies, the propaganda, the misinformation, the half-truths, and the effort to hide behind religion. Where Gandhi left off, his followers have picked up, and they continue their own sophisticated campaigns, both in India and abroad. The book should not be looked upon as another Gandhi biography. Rather, it should provide a standard by which to weigh the Gandhi literature for accuracy and objectivity. Also, this book, though narrowly focused, should

stand as a guide alerting us to how thoroughly the Gandhi propagandists and others have succeeded in deceiving us.

TRIBUTE TO THE CLINTON EXCHANGE CLUB ON THE OCCASION OF ITS 60TH ANNIVERSARY

**HON. JAMES P. McGOVERN**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mr. McGOVERN. Madam Speaker, I rise today to pay tribute to the Clinton Exchange Club on the occasion of its 60th anniversary and to thank its members for the extraordinary contributions they have made to the greater Clinton community throughout the club's distinguished history. Exchange Clubs all across America are widely known for their efforts to prevent child abuse and nurture our nation's young people, however nowhere has the noble mission of this great service organization been more fully embraced by its membership than the Clinton Exchange Club.

As a regular participant in the Memorial Day Exercises in the Town of Clinton, I have proudly marched behind the Exchange Club as they distribute American flags to the children lining the parade route. This public display of patriotism is an invaluable lesson for our young people to learn and I am grateful to the Clinton Exchange Club for making it an indispensable part of the town's Memorial Day tradition. The Clinton Exchange Club is a source of civic education, encouragement and support for the community's youth that extends far beyond one holiday a year. Through the sponsorship of local sports teams, the Freedom Shrine, the youth of the month recognition program and the numerous scholarships it awards, the Clinton Exchange Club is a positive force in nearly all facets of a child's development. A large number of Clinton's youth have responded to the example the Exchange Club has given them by establishing their own affiliated service organization at Clinton High School known as the Excel Club. The close collaboration between the Exchange Club and the Excel Club has ensured that service to others will endure as the hallmark of this tight-knit community for generations to come.

Madam Speaker, the Town of Clinton enjoys a well-deserved reputation as one of the most compassionate communities in the Commonwealth of Massachusetts. That is due in large part to the innumerable good deeds the Clinton Exchange Club has performed over these last sixty years. The greatest tribute I can pay them as they celebrate this important milestone is to humbly ask that they rededicate themselves to the club's mission and continue to better the lives of their neighbors and fellow citizens. This nation owes the Clinton Exchange Club a debt of gratitude for their legacy of service and the United States Congress congratulates them on this wonderful occasion.

IN MEMORY OF W.E. AYERS

**HON. MIKE ROSS**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mr. ROSS. Madam Speaker, I rise today to honor the memory of W.E. Ayers, who passed away December 8, 2006, in Pine Bluff, Arkansas, at the age of 76.

W.E. Ayers was a pillar of the city of Pine Bluff and the state of Arkansas for decades. Ayers was the former Chairman and CEO of Simmons First National Corporation of Pine Bluff. He joined the organization in 1957 and became Senior Vice President in 1969. Mr. Ayers was then named President of the Bank in 1985 and named Chairman of the Board the following year.

A graduate of Louisiana State University, W.E. Ayers also received an honorary doctorate degree from the University of Arkansas at Pine Bluff and Southeast Arkansas College.

W.E. Ayers was an active member of Lakeside United Methodist Church where he served as a former trustee and Sunday School teacher. He was a past President of the Arkansas Bankers Association as well as a member of the Kiwanis Club, Pine Bluff Chamber of Commerce, Arkansas Arts Council and the Arkansas School for Mathematics and Science Foundation.

My deepest condolences go to his wife, Diane Ayers; son and daughter-in-law, Tim and Leigh Ayers of Atlanta, GA; daughter Cathy Zimmerman of Boulder, CO; and to his 5 grandchildren. W.E. Ayers will be greatly missed in Pine Bluff and throughout the state of Arkansas.

HONORING GARY LOUIS SIMPSON OF NAPA COUNTY, CALIFORNIA

**HON. MIKE THOMPSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize the long and successful career of Mr. Gary Louis Simpson, the Sheriff-Coroner of Napa County, California. On December 28th Mr. Simpson will stand down after 20 years and 5 terms as the elected Sheriff of Napa County. During his tenure, the Sheriff's Department has developed and expanded numerous programs to extend the involvement of the department with other law enforcement agencies and county departments. He leaves behind a technologically sophisticated and well-trained department prepared to continue the work he has advanced for many years.

Mr. Simpson was born in Missouri, but moved to California at an early age, and grew up in Oakland. He attended Pacific Union College and graduated with a B.A. in Social Sciences in 1965. Mr. Simpson served in the United States Army from 1966–1969 and left at the rank of 1st Lieutenant before joining the Napa Police Department that same year. In 1983 he was promoted to Lieutenant in the Police Department. In 1986 he ran for the office of Sheriff, and was elected the 25th Sheriff of Napa County.

As Sheriff, Mr. Simpson expanded the work of the Sheriffs department beyond the strict

confines of law enforcement and into the communities of the Napa Valley. Through a variety of programs like DARE and the Sheriffs Activity League, Mr. Simpson has reached out to the youth of the Napa Valley and helped develop a safe and healthy place for children to grow. He has created an innovative program, the Sheriff Citizens Academy, which is conceived to allow people living and working in the Napa Valley to better understand the work of the Sheriffs Department. Additionally, this important program has begun the process of building bridges between members of the community and law enforcement.

Madam Speaker, it is appropriate at this time that we recognize Mr. Gary Louis Simpson on his retirement after 20 years as the Sheriff of Napa County. He has been instrumental in developing the resources and capabilities of law enforcement in Napa County. He will enjoy retirement in the company of his wife Veronica, their children, and their two granddaughters.

CONGRATULATING ARTRAIN USA ON RECEIVING THE 2006 NATIONAL AWARD FOR MUSEUM AND LIBRARY SERVICES

**HON. JOHN D. DINGELL**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mr. DINGELL. Madam Speaker, I rise today to congratulate Artrain USA on being a recipient of the 2006 National Award for Museum and Library Services, a prestigious award presented to a select few libraries and museums for outstanding public service.

The National Award for Museum and Library Services is the nation's highest honor for museums and libraries. Artrain USA was one of three museums selected by the Institute for Museum and Library Sciences to receive this high honor. Three libraries were also selected to be honored.

Located in Ann Arbor, Michigan, Artrain USA's unique concept of a traveling museum has visited hundreds of communities, enriching the lives of over 3.2 million people. Many of these communities are rural or underserved and did not have access to this type of world-class art exhibits and educational opportunities. By bringing the art to the communities on vintage railroad cars, Artrain USA provides these communities with a wonderful opportunity for cultural growth and education. This is an indispensable public service and I am especially proud to say that Artrain USA hails from Michigan's 15th Congressional District, which I represent in the House of Representatives.

I would particularly like to congratulate Debra Polich, President & CEO of Artrain USA, for her tireless work and dedication to making Artrain USA a national presence. Madam Speaker, I ask that you and all of my colleagues join me in congratulating Deb and the rest of the Artrain USA team on winning this esteemed award and in sending our best wishes for success in the future.

IN MEMORY OF KEVIN BROPHY

**HON. JACK KINGSTON**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mr. KINGSTON. Madam Speaker, it is my pleasure to rise today to honor the memory of the late Kevin Brophy. Kevin was a remarkable young man who touched the lives of all those he met.

Kevin Brophy was a native of Melbourne, Australia, who graduated from Memorial Day School in Savannah, GA. In his time at Memorial, Kevin averaged 28.4 points, 7.2 rebounds, and 12.4 assists per game setting a single season school record of 424 points.

Kevin went on to attend the University of Georgia where, as a walk-on, to the 2005 Bulldogs men's basketball team he played in all 28 games of his freshman season and started in seven Southeastern Conference contests. Though he began his collegiate sports career as a walk-on, Kevin quickly earned an athletic scholarship before the start of his sophomore season.

As a member of the Georgia Bulldogs basketball program, Kevin scored a season high of 19 points against the Vanderbilt University Commodores, nine of those coming in the last nine minutes. Kevin's attitude, maturity, and work ethic were contagious, spreading to all those with whom he came in contact.

Tragically, Kevin's life ended July 20, 2006, near Greensboro, GA, just hours after he devoted his time to improving the basketball program at the Athens Boys and Girls Club. His death has left a community in mourning but his life has inspired us all.

RECOGNIZING THE CONTRIBUTIONS OF TOM RICE TO OUR HOMELAND SECURITY

**HON. DEBORAH PRYCE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Ms. PRYCE of Ohio. Madam Speaker, I rise today to recognize a distinguished constituent and a valued member of our country's Homeland Security team, Tom Rice, the federal security director for Port Columbus International Airport. Tom was recently chosen from among 125 peers by the Transportation Security Administration as the Federal Security Director of the Year for the Eastern Region.

In bestowing this honor, TSA recognized Tom's contributions in providing operational direction for federal security, demonstrating integrity and innovation, and improving the morale of employees by promoting a culture of achievement among team members.

Tom's four decades of distinguished and impeccable service in law enforcement is no secret to central Ohio. After serving for 33 years in the Ohio State Highway Patrol, Tom spent a year at the Department of Rehabilitation and Correction as the acting chief inspector and then had a 5-year tour with the City of Columbus as safety director. Before briefly retiring, Tom also consulted for the Ohio Department of Youth Services. However, with the creation of TSA, Tom was swiftly called to return to duty and was sworn in as the first FSD for

Port Columbus and Rickenbacker airports in June 2002.

I am thrilled to see his leadership in security recognized nationally by our Nation's top security agency. Passengers at Port Columbus know and trust Tom. And even amid passenger uncertainty due to terrorist threats, his innovative and professional leadership has helped Port Columbus continue to grow and business at Rickenbacker to flourish. I can think of no better person to receive the recognition of our Homeland Security community.

HONORING THE HEART HOSPITAL OF NEW MEXICO

**HON. HEATHER WILSON**

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mrs. WILSON of New Mexico. Madam Speaker, I rise today to honor a remarkable organization from the State of New Mexico. The Heart Hospital of New Mexico was established in 1999, through a joint effort between the state's leading cardiology and cardiovascular surgery groups, as an entire medical facility dedicated to fighting heart disease. Located near downtown Albuquerque, it is the state's first free-standing heart facility, dedicated to providing the most advanced, patient-centered, family-centered care for the region.

Recently, Quantum Research and the New Mexico Business Weekly sponsored a comprehensive employee survey to identify the "best places to work" in New Mexico. With 211 hardworking employees, the Heart Hospital was ranked first amongst New Mexico's largest employers. The award acknowledges a company's achievements in creating a positive work environment that not only attracts employees, but also retains them.

Heart Hospital employees cited flexible work schedules, employee-driven work standards and commitment to superior patient care as critical to their job satisfaction. The Heart Hospital also offers reimbursements for licensures, certifications and tuition; reimbursement for nursing education for household members of employees; full vestment for the company portion of 401(k) upon enrollment and employee appreciation lunches and other recognition.

Madam Speaker, no matter how you measure it, the Heart Hospital of New Mexico sets a standard of excellence. The hospital fills a crucial need in central New Mexico's community, and I am honored to recognize such an outstanding healthcare provider and its outstanding team of dedicated employees here today.

STATEMENT HONORING ROBERT L. HADLEY, SR.

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to pay tribute to an honorable man, Robert L. Hadley Sr. His commitment towards his family and his hard work has made him a commendable role model for all of America's future generations.

Born on April 13, 1919, Mr. Hadley was raised to hold strong to his faith and valued the beliefs embedded in him from his childhood. His everyday life and career reflected those praiseworthy values.

In 1937, after the completion of his studies Mr. Hadley entered into the car sales industry with a zest for learning. In 1941, he was called upon by his country to serve in the Army during WWII. He courageously contributed his time to protect our Nation.

Mr. Hadley completed his service to the U.S. Army and returned to his loving wife and son. He then continued working hard in the automotive sales industry while ensuring his son grew up to become an admirable young man. The life lead by Mr. Hadley has undoubtedly become a legacy.

On behalf of the Dallas, TX community, I commend Mr. Robert Hadley's admirable achievements.

ENDING THE WAR IN IRAQ

**HON. PETER A. DeFAZIO**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mr. DEFAZIO. Madam Speaker, tomorrow the President will announce he has yet another new strategy for victory in Iraq. This strategy will come just over a year after he released his last strategy for victory in Iraq, which was completed in November 2005.

According to the Brookings Institution's Iraq Index, since the President released his last plan, more than 900 U.S. troops have been killed in Iraq, more than 2,200 Iraqi police and military forces have also been killed. The number of Iraqi civilians killed has risen from 1,778 in January 2006 to nearly 3,300 in December 2006. The number of multiple fatality bombings has increased from 41 in November 2005 to 69 in December 2006.

In other words, by virtually every measure, the violence in Iraq is worse this year than last year, the political situation is more volatile and deteriorating by the day and the civil war is expanding.

After nearly four years, after more than 3,000 U.S. troops have been killed, after more than 22,500 U.S. troops have been injured—nearly half of whom have been injured severely enough that they cannot return to duty—and after more than \$300 billion of U.S. taxpayers' money has been spent with no benefit to U.S. national security and with little progress toward stabilizing Iraq, what is the President's response? All indications are that he will propose to compound the failure by escalating the war, putting tens of thousands of more American lives at risk, and borrowing tens or hundreds of billions of dollars more in order to prosecute a war that cannot be won militarily.

It is past time to end the open-ended commitment the President has made in Iraq. Reportedly the President will propose benchmarks the Iraqi government must achieve, but since there will be no consequences if the Iraqis fail, these benchmarks are meaningless. The Iraqi government has failed to follow through on previous commitments, yet the President's response has only been to express continuing support for the Iraqi Prime Minister. His proposal this week will likely be more of the same.



As long as the U.S. military remains stuck with the President's pledge of unlimited support, Iraqi politicians and security forces will use the U.S. presence as a crutch and will fail to take the necessary steps to solve their differences, establish an effective and inclusive government, end sectarian violence, and create a secure and prosperous society.

Democracy and stability cannot be imposed on unwilling parties. As New York Times columnist Thomas Friedman said recently on Meet the Press, a stable, pluralistic democracy in Iraq is everyone's second choice except ours. The Shias want power for themselves. The Sunnis want power. And the Kurds want power and independence. What they don't want to do is share that power, and we can't make them.

Being confronted with the reality of a U.S. withdrawal should force the Iraqi factions to reach the political compromises necessary to move their country forward. If not, there is no reason to prolong the U.S. involvement in Iraq if we want a stable country more than the Iraqi people and their elected leaders do.

The U.S. cannot impose freedom, security, and unity in Iraq by force. Those worthy goals can only be achieved by the Iraqi people themselves, which will only happen when the Iraqi people and their leaders decide to put aside their sectarian differences. The U.S. cannot force Sunnis, Shias, and Kurds to make peace or to act for the common good. They have been in conflict for 1,400 years. Nor should the U.S. military be forced to remain in Iraq essentially as an army for one side of a civil war. The U.S. military cannot solve the sectarian violence and the lack of political reconciliation in Iraq. Only the Iraqis can.

In a minute, I will address where I believe we need to go from here. But, before that, I want to briefly review how we got into Iraq and how the Bush administration's many mistakes have brought us to the disaster we face today.

The list of the Bush administration's failures with respect to Iraq is long and well-known. But it bears repeating, particularly since the administration may be making similar ones with respect to Iran.

The administration manipulated, misrepresented and in some cases outright lied about the intelligence on Iraq's weapons of mass destruction programs and non-existent ties to al-Qaeda in order to build support in Congress and among the public for the war.

The administration went in with too few troops to successfully carry out the mission.

The administration went in with few real allies.

The administration went in with no exit strategy.

The administration failed to stop the rampant looting in the wake of Saddam Hussein's ousting, which set back recovery and reconstruction.

The administration failed to understand the ethnic tensions that were unleashed in Iraq.

The administration failed to understand the ethnic power bases in Iraq.

The administration relied on Iraqi exiles with no support among the Iraqi people.

The administration did not turn over authority to Iraqis early on. Instead, they stood up the Coalition Provision Authority to run Iraq, which cemented in the minds of the Iraqis that U.S. forces were an occupying power.

The administration largely used inexperienced political hacks to run the CPA rather

than experienced foreign service-types or individuals with subject matter expertise.

The administration disbanded the Iraqi army, which added to the security problems by creating a large pool of unemployed, armed, and alienated Iraqis.

The administration purged the Iraqi government of all Baath party members, even low-level Baathists, which continues to hamper the delivery of even basic government services to Iraqis since the bureaucracy has basically been created from scratch.

The administration failed to conduct proper oversight of reconstruction resulting in waste, fraud, and abuse, poor contractor performance and Iraqi expectations for progress not being met.

This is not an exhaustive list, but it highlights some major failures that have contributed to the chaos in Iraq.

The administration claims that what has happened in Iraq was unforeseeable. In reality, many critics predicted the problems in Iraq. The administration just chose to ignore those who raised concerns. The problems in Iraq are actually worse than predicted because of the administration's blunders.

The administration ignored the doctrine created by its own Secretary of State Colin Powell when he was Chairman of the Joint Chiefs of Staff. The "Powell doctrine" says that the U.S. should go to war only as a last resort and then only with overwhelming force. In his article "U.S. Forces: Challenges Ahead" in Foreign Affairs in 1992-93 Powell posed a number of questions to be asked by U.S. policymakers before launching a war. Is a vital national security interest threatened? Do we have a clear, attainable objective? Have the risks and costs been fully and frankly analyzed? Have all other non-violent policy means been exhausted? Is there a plausible exit strategy? Have the consequences been fully considered? Is the action supported by the American people? Does the U.S. have broad international support?

The answer to these questions in the case of the Iraq war is no. But the administration went ahead anyway and Powell put aside any misgivings he may have had and publicly supported it.

The administration ignored General Eric Shinseki, then the head of the Army, who testified before the Senate Armed Services Committee on February 25, 2003, that the administration's plans failed to include an adequate number of troops. He said, "I would say that what's been mobilized to this point—something on the order of several hundred thousand soldiers are probably, you know, a figure that would be required. We're talking about post-hostilities control over a piece of geography that's fairly significant, with the kinds of ethnic tensions that could lead to other problems."

Secretary Rumsfeld and his deputy, Paul Wolfowitz, called Shinseki's estimate "far off the mark" and "wildly off the mark". Wolfowitz said it would be "hard to believe" more troops would be required for post-war Iraq than to remove Saddam Hussein from power.

It may have been hard for an ideologue like Mr. Wolfowitz to believe, but it wasn't hard for a military professional like General Shinseki to envision.

Many Members of Congress also raised concerns. I personally wrote to the President on September 5, 2002. I challenged the sup-

posed threat posed by Iraq's assumed WMD programs. I raised questions about more pressing national security challenges like North Korea and Iran. I raised questions about the impact the war would have on U.S. relations with allies and our reputation in the world. I posed questions about what the impact of a long-term occupation of Iraq by U.S. forces. I asked about the impact of diverting military and intelligence resources to Iraq from the battle against al-Qaeda in Afghanistan. And I raised concerns about the economic impact and the impact on U.S. taxpayers from the war.

The administration dismissed the concerns and warnings of critics like me and launched this ill-advised war. I voted against it. We're forty-six months into the war, where do we go from here?

The President apparently believes that the U.S. needs to escalate the conflict in Iraq by sending 30,000 or more additional troops to Iraq. I think that is a mistake. It will not bring stability to Iraq, and I oppose it and will vote against it if given the opportunity.

Just as importantly, the President's chief military advisors oppose it. As General John Abizaid, then the head of all U.S. forces in the Middle East, testified before the Senate Armed Services Committee hearing on November 15, 2006, "I met with every divisional commander, General Casey, the core commander, General Dempsey, we all talked together. And I said, in your professional opinion, if we were to bring in more American Troops now, does it add considerably to our ability to achieve success in Iraq? And they all said no. And the reason is because we want the Iraqis to do more. It is easy for the Iraqis to rely upon to us do this work. I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future."

The President didn't like what he heard, which may be why General Abizaid is expected to retire this March. As a Lebanese-American who is fluent in Arabic, his understanding of the region will be greatly missed. General Casey has also been removed as commander of U.S. forces in Iraq.

Shinseki, Abizaid, Casey. There is a pattern here of the Bush administration ignoring the advice of military leaders and firing them when they don't tell the President what he wants to hear.

Let me be clear, I do not believe there is any level of U.S. troops that could stabilize Iraq at this point.

But, I think it is particularly offensive that the President is reportedly planning to put 30,000 additional U.S. lives at risk when that escalation is virtually certain to have little or no impact on the violence in Iraq. There might be a small, temporary reduction in the chaos in Iraq, but the escalation will not solve the deep and underlying political conflicts that are preventing a long-term resolution to the violence in Iraq.

The President desperately wants to look like he's trying something new in Iraq in response to the concerns of the American people, but really he's just repeating the same mistakes and compounding previous failures. The administration is trying to prolong the U.S. involvement in Iraq in order to perpetuate the fallacy that the President's original vision for a democratic, pro-U.S., capitalistic, pluralistic Iraq is still achievable. It is not. The American

Enterprise Institute military escalation plan for Iraq, which is the basis for the President's proposals, has a timeline of 18–24 months, conveniently enough leaving the mess in Iraq for the next President, meaning President Bush would never have to admit his policies in Iraq have been a failure but at a very steep cost to our troops taxpayers.

The administration already increased the number of U.S. troops in Baghdad this summer and has occasionally increased the number of troops throughout Iraq, yet the violence against our troops and Iraqi security forces and civilians continues to increase. Following the influx of troops this summer in Operation Forward Together, the violence in Iraq actually increased. Weekly attacks increased by 15 percent while the number of Iraqi civilian casualties increased by 51 percent.

Based on historical analysis, counterinsurgency experts estimate it takes around 20 U.S. troops per 1,000 inhabitants to successfully fight a counterinsurgency. To achieve that ratio in Baghdad alone would require 120,000 troops. Even with the escalation proposed by the President, we'd only have around 40,000 troops in Baghdad. For all of Iraq, it would require 500,000 troops. We only have around 140,000 there today.

General Shinseki and others based their original recommendation for several hundred thousand troops on this historical analysis. But, the time in which a large number of forces could stabilize Iraq has long since passed.

The bottom line is that a proposal to increase U.S. troop levels in Baghdad or Iraq more generally by 30,000 troops in not a serious effort to restore stability to Iraq. Essentially, the President is proposing to put more lives at risk with little or no chance of success.

The President and his allies justify the continuing U.S. presence in Iraq by claiming that if we don't fight there, we'll have to fight here at home. However, the Iraqi Sunni rejectionists, Saddamists, and nationalist Shias, who combined make up the vast bulk of the insurgents and militias committing violence in Iraq, have no interest in attacking the U.S. homeland. They just want U.S. military forces out of their own country. They have no designs on our country. So it is misleading, at best, to argue that if we don't fight there, we will fight them in the streets of the United States.

It is also misleading to pretend that if the U.S. leaves that somehow Osama bin Laden will take control of Iraq. There is no chance that the Shias and Kurds, who represent around 80 percent of the population in Iraq, will allow foreign terrorist elements to take over the country. Even the majority of the Sunnis have grown tired of foreign terrorists operating in Iraq.

A better strategy is to announce a timeline for bringing our troops home over the next 6 months to a year. The administration has always set timelines for political developments in Iraq—for elections, for the drafting of the constitution etc. The administration argued such timelines were necessary to focus the energy of Iraq's leaders and to force compromises. We need to do the same on the military side.

In the interim, I have also proposed that U.S. troops be removed from front line combat positions in Iraqi cities and towns, turning over daily security patrols, interactions with citizens,

and any offensive security actions to the Iraqis themselves.

The training and equipping of Iraqi security forces should be accelerated and the sectarian balance must be improved.

The U.S. must renounce any U.S. interest in constructing permanent U.S. military bases in Iraq.

It is also important to accelerate reconstruction spending and grant the bulk of reconstruction contracts to local companies employing Iraqis rather than multinational corporations, whom have proven inefficient, inflexible, sometimes fraudulent and have even imported workers rather than employing Iraqis.

The U.S. embassy in Baghdad should also be reduced to normal size and authority rather than establishing one of the largest embassies in the world.

And, the U.S. must engage in robust diplomacy with all factions in Iraq, except the foreign terrorists and domestic al-Qaeda elements, and work with Iraq's neighbors in an effort to bring about political reconciliation among Sunnis, Shias, and Kurds.

Our troops have done all that has been asked of them in Iraq. Saddam Hussein is dead. His allies are on the run or in prison. The threat from WMDs in Iraq is nonexistent. Arguably, the war that Congress authorized has been won. Our troops should come home. Congress did not authorize U.S. troops to referee a civil war in Iraq.

#### TRIBUTE TO ALLISON STANGEBY

### HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mrs. EMERSON. Madam Speaker, I rise today to congratulate Allison Stangeby—the recipient of the 2006 Bill Emerson Good Samaritan Award. Because of Allison's efforts, thousands of our nation's less fortunate have been provided with food aid.

Allison used her workplace as a tool to reach out to the hungry. She works for the New York Giants as the Director of Community Relations. Under Allison's leadership, the New York Giants became the first sports franchise to arrange to have its stadium-generated leftover concession food made available to feed the hungry through Sports Wrap. Sports Wrap is a new venture that evolved from Rock and Wrap It Up!, a volunteer hunger relief charity started in 1990.

Additionally, Allison has helped launch similar programs with the New York Yankees, New York Mets, New York Jets and New Jersey Nets. By setting an example, Allison has empowered others to reach out to those in need. This is the mark of a great volunteer.

This is the vision my late husband Bill Emerson had for domestic food aid programs when he worked to pass the Good Samaritan Food Act protecting these donations from liability. Bill's hopes for hunger relief in America were very high when he worked to make such programs possible in 1990. He would be very proud of Allison for her contributions to hunger relief.

Allison is a major reason why this hunger relief charity continues to gain notoriety and grow. As long as there are men, women and children who need the helping hand of other

Americans, people like Allison have proven they will be there with a helping hand to offer.

Thank you for your kind service to our Nation, Allison. Congratulations on earning the 2006 Bill Emerson Good Samaritan Award. Best of luck to you as you continue your noble work.

#### HONORING UNIVERSITY OF FLORIDA GATORS FOOTBALL TEAM

### HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mr. BILIRAKIS. Madam Speaker, I rise today to congratulate the University of Florida football team on winning the 2006 NCAA national championship.

Madam Speaker, as a University of Florida graduate, born in "Gator Country," I could not be happier with the outcome of last night's game. This team showed true grit and grace by overcoming public opinion, which said they did not belong in the national title game, to defeat a daunting opponent.

Madam Speaker, I would also like to congratulate the University of Florida as a whole for becoming the first institution in Division 1 history to hold both the NCAA Men's Basketball and NCAA Football Championships at the same time. Last night's achievement was truly historic.

Madam Speaker, it took the University of Florida 90 years to win its first NCAA Football Championship and only 10 to win its second. Hopefully this trend will continue.

Madam Speaker, I hope everyone will join me in congratulating these fine young men on their historic victory.

#### HONORING BEN ANDERSON OF AMERICAN CANYON, CALIFORNIA

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mr. Thompson of California. Madam Speaker, I rise today to honor Ben Anderson of American Canyon, California, and thank him for his many years of service devoted to the city and people of American Canyon. As a member of the first city council elected in 1992, Ben Anderson has generously lent his wisdom and guidance to the process of constituting a city government.

Mr. Anderson moved to the area in the early 1980s as an officer in the US Navy at the Mare Island Naval Shipyard. In the early 1990s he was instrumental in beginning the petition process and collecting signatures for the incorporation of American Canyon. Having received encouragement from other citizens involved in the campaign, he ran for a seat on the city council and won. He retired from service in the Navy around the same time he took his seat on the council, citing his desire to devote his efforts to full time service to the community.

During his 14 years as a council member Mr. Anderson has helped guide the development of American Canyon from its infancy into the rapidly growing and successful town we

know today. Faced with a variety of challenges in managing the growth of the city, the council has overseen, the development of a complex but functional civic infrastructure. Mr. Anderson has been actively involved in the development of schools and libraries, a gym and swimming pool, and a series of commercial ventures that have brought flourishing businesses to the city.

In addition to his work in city government, Mr. Anderson has been a conscientious leader to the community. He volunteers as a coach with local youth sports leagues, working with multiple soccer or basketball teams at any given time. He has also been an active participant with the local Lion's Club and Veterans of Foreign Wars, including assisting their charitable efforts with his considerable organizational expertise. Finally, and most importantly, he has established a high standard during the proceedings of the city council by always treating city staff, council members, and the community with politeness and respect in the conduct of his duties as a City Councilman.

Madam Speaker, it is appropriate at this time that we thank Mr. Anderson for the time he has served on the city council in American Canyon, and all of the many positive works his efforts have yielded. I know that he will remain an active and vocal member of the community even as he retires from elected office.

A TRIBUTE TO MR. WALTER M. BOOKER, JR.—JAZZ BASSIST

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mr. RANGEL. Madam Speaker, I rise today to pay tribute to the life and legacy of Walter M. Booker, Jr, jazz bassist who left this world at the age of 72 years and to enter into the RECORD an article in the Washington Post by Matt Schudel entitled "Walter Booker, 72; Jazz Bassist worked with Vaughn, Monk."

Walter M. Booker, Jr, was born in Texas, son of the late Walter Monroe Booker, Sr. and the late Thomye Collins Booker. The family moved to Washington, D.C. when his father accepted a position with the Howard University Medical School and later became Head of the Department of Pharmacology. Booker was drafted into the United States Army in the 1950s. While serving in Europe he was fascinated with the acoustic bass and began to play the instrument at the age of 26.

Known as "Bookie," Booker lived for over 40 years in my Congressional District. He provided the rhythmic foundation for Cannonball Adderley, Sarah Vaughan and many other prominent jazz musicians. His most notable partnership was with the Adderley brothers' quintet, featuring Julian "Cannonball" Adderley on alto saxophone and Nat Adderley on cornet. For six years, until Cannonball's death in 1975, Booker served as music ambassador touring the world with the popular group, which pioneered the catchy yet sophisticated style of music known as "soul jazz."

Booker played a Viennese bass built in 1792 salvaged from the dusty basement of a German church. He is known for his bowing technique, sure intonation, ability to play high, accurately pitched notes, as well as his animated performing style, often swaying from side to side.

Booker appeared on more than 275 albums before making his first and only recording under his own name, "Bookie's Cookbook." He gave his final public performances in December 2004.

Even though Walter M. Booker passed away on November 24, 2006, his contributions to the world of jazz and the United States of America will continue to resonate through his music.

[From the Washington Post, Dec. 17, 2006]

WALTER BOOKER, 72; JAZZ BASSIST WORKED WITH VAUGHAN, MONK

(By Matt Schudel)

Walter Booker, a bass player who provided the rhythmic foundation for Cannonball Adderley, Sarah Vaughan and many other prominent jazz musicians, died Nov. 24 of cardiac arrest at his home in New York. He was 72.

Mr. Booker, who spent his formative years in Washington, came to the bass at a relatively advanced age, first picking up the instrument at 26 while serving in the Army. He had completed two years of medical school at Howard University in the early 1960s when he left his studies to pursue music as a full-time career.

Known for his precise, resonant tone, Mr. Booker was quickly recognized as one of the elite bass players in jazz, working for extended periods in the 1960s with singer Betty Carter, pianist Chick Corea, trumpeter Donald Byrd and saxophonists Sonny Rollins and Stan Getz. He also toured widely with Washington singer and pianist Shirley Horn.

Mr. Booker formed one of his most significant partnerships in 1969, when he joined the Adderley brothers' quintet, featuring Julian "Cannonball" Adderley on alto saxophone and Nat Adderley on cornet. For six years, until Cannonball's death in 1975, Mr. Booker toured the world with the popular group, which pioneered the catchy yet sophisticated style of music known as "soul jazz."

Working in several groups at the same time in the early 1970s, Mr. Booker was in one of the last ensembles led by visionary composer and pianist Thelonious Monk. From 1975 to 1981, he was the bassist for singer Sarah Vaughan.

"They were more than colleagues," Mr. Booker's wife, Bertha Hope-Booker, said of her husband's many associations with renowned musicians. "They were friends. All the music he played, he imbued with something different."

After moving to New York in 1964, Mr. Booker studied with Homer R. Mensch, a faculty member of the Juilliard School of Music who had played under conductor Arturo Toscanini.

Mr. Booker, who played a Viennese bass built in 1792 that had been salvaged from the dusty basement of a German church, became known for his bowing technique, his sure intonation and his ability to play high, accurately pitched notes. He was also known for his animated performing style, often swaying from side to side.

"He was a 'dancing' bass player," said his wife, a jazz pianist and composer in her own right. "It was like he and the bass had this connection."

Walter Monroe Booker Jr. was born Dec. 17, 1933, in Prairie View, Tex., and moved to Washington in the early 1940s, when his father joined the faculty of the Howard University medical school. (He later was the head of the pharmacology department.)

The younger Mr. Booker studied clarinet and piano, attended D.C. public schools and graduated from high school at the Palmer Memorial Institute in North Carolina. He was a graduate of Morehouse College in At-

lanta, where he played alto saxophone in the concert band.

In the late 1950s, while serving in the Army in Europe—he was in the same unit as Elvis Presley—Mr. Booker developed his interest in the bass. After returning to Washington, he began to play in jazz bands, most notably the JFK Quintet led by Andrew White, while attending medical school.

In New York, Mr. Booker designed a recording studio based on the geodesic principles of Buckminster Fuller. His studio became a gathering place for many musicians who later had celebrated careers, including Angela Bofill, Nat Adderley Jr., T.S. Monk, Noel Pointer, Airto Moreira and the jazz-rock group Weather Report.

In the 1980s and '90s, Mr. Booker worked regularly with Nat Adderley, pianist John Hicks and, in recent years, his wife. He also led groups that performed Brazilian music, which he occasionally played on guitar, and the works of jazz pianist Elmo Hope, his wife's first husband. In the 1990s, he led workshops at the New Sewell Music Conservatory in Washington.

Mr. Booker appeared on more than 275 albums before making his first and only recording under his own name, "Bookie's Cookbook," for the Mapleshade label in Upper Marlboro in 2000. He gave his final public performances in December 2004. Suffering from prostate cancer and other ailments this year, Mr. Booker asked that his bass be brought to his hospital, where he could play it during his final illness.

His marriages to Yvonne Blakeney and Maria Smith ended in divorce.

Survivors include his wife of 20 years, of New York; two sons from his first marriage, Randall Booker of Miami and Russell Booker of Philadelphia; a son from his second marriage, Krishna Booker, who is a percussionist with Sergio Mendes, of Los Angeles; three stepchildren, Monica Hope, Kevin Hope and Daryl Hope, all of New York; a sister, Marjorie Booker of Washington; two grandchildren; and a great-grandson.

ON THE INTRODUCTION OF THE DISTRICT OF COLUMBIA FAIR AND EQUAL HOUSE VOTING RIGHTS ACT OF 2007

**HON. ELEANOR HOLMES NORTON**

OF DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Ms. NORTON. Madam Speaker, today Government Reform Committee Ranking Member TOM DAVIS (R-VA) and I keep our promise to reintroduce the Fair and Equal House Voting Rights Act as our first bill of the 110th Congress. Republican DAVIS was the chair of the Committee when we worked together for 4 years to get Republican and Democratic agreement on this bill to give one voting representative to the mainly Democratic District of Columbia and another to the largely Republican State of Utah. The idea arose after Utah narrowly missed getting a seat following the last census and later failed to get the Supreme Court to rule in the State's favor. The bill also would permanently increase the size of the House of Representatives from 435 to 437 members. I want to thank my colleague TOM DAVIS, the original author of the bill, for his indispensable persistence, and for his bipartisan spirit that afforded me every opportunity to significantly contribute to the bill during the 109th Congress, when he was in the

Republican majority and I was a minority member.

Democrats have long been outspoken in their commitment to D.C. voting rights, and I appreciate their unwavering support. The bill we introduce today reflects the political history of our country that inalterably demonstrates that additional representation has been granted only on the basis of exact political equivalence, assuring neither benefit nor disadvantage to either party. This bill meets the necessary standard. Party, of course, should not matter when it comes to a democratic right as basic as representation in the legislature that taxes citizens and sends them to war. However, it is the undeniable reality that party equivalence in one form or another has driven decisions for adding voting representation. Many remember the most recent additions of Alaska and Hawaii, when these States entered the union because their voting records eliminated party advantage. However, this pattern was set throughout the nineteenth century as each State entered the union, most dramatically, of course, when no slave State could be admitted unless a free State came in at the same time.

Preserving all their rights as American citizens to voting rights in each house, the people of the District of Columbia and our civil rights and civic allies have nevertheless concluded that there can be no serious attempt to achieve the vote for our citizens that ignores precedents woven so tightly into our history. The linchpin of this legislation is its bipartisan balance, and we are grateful for the rare opportunity we believe will not come again soon, but that the Utah-D.C. bill offers District citizens now, to follow the unerring path to the vote laid out by American history.

A similar bill approved by the Committee on Government Reform last May called for the additional seat in Utah to be at-large until the 2010 census, but when the bill was referred to the Judiciary Committee, then-chairman JAMES F. SENSENBRENNER, Jr. (R-WI) insisted that Utah adopt a redistricting plan that allowed for four seats before he would approve the bill. The Utah's legislature met in early December and quickly adopted a four-seat plan, which is provided for in today's bill. However, House leadership declined to address the issue in the closing days of the 109th Congress. We now seek our seat to vote in the 110th Congress.

Although we came close to securing passage in the 109th Congress, the District's vote was already long past due. We're in overtime in the 110th. We will proceed based on the same win-win approach that carried us through last Congress. In the spirit of the partnership promised by the new Democratic House majority, I am optimistic that Democrats will see the bill as a historic opportunity to make good on promises for voting rights and equality for the people of the District of Columbia.

Finally, I ask to be forgiven a personal allusion. Throughout this process, I have never referred to the District's vote as my vote or to what the vote would mean to me personally because the vote will not belong to me. I have never mentioned the special reason I person-

ally wanted to be the first to cast the vote because the Fair and Equal House Voting Rights Act is for D.C. residents now and in the future, not for me. However, my 16 years in Congress has been defined by the search for a way to achieve full representation for the city where my family has lived since before the Civil War. That search has included the two-day debate followed by a vote on statehood more than 10 years ago that Speaker Tom Foley afforded me, and the vote I subsequently won in the Committee of the Whole because of the long commitment of the Democratic majority to D.C. voting rights and the commitment of my party to maximize the rights of the citizens who live in the Nation's capital until voting rights could be achieved. The struggle has been driven by its own terms, by the here and now, by the residents of the District of Columbia for over 200 years. Yet, I cannot deny the personal side of this quest, epitomized by my family of native Washingtonians, my father Coleman Holmes, my grandfather, Richard Holmes, who entered the D.C. Fire Department in 1902 and whose picture hangs in my office, a gift from the D.C. Fire Department, and especially my great-grandfather, Richard Holmes, a slave who walked off a Virginia plantation in the 1850s, made it to Washington, and began our family here. I cannot help but think today of this man I never knew, a slave in the District until Lincoln freed the slaves here 9 months before the Emancipation Proclamation. I am mindful of my great grandfather, who came here in a furtive search for freedom itself, not the vote in Congress. I wonder what a man who lived as a slave in the District, and others like him would think if he could know that his great-granddaughter might be the first to cast the first full vote for the District of Columbia in the House of Representatives. I hope to have the special honor of casting the vote I have sought for 16 years. I want to cast that vote for the citizens of this city, whom I have had the great privilege of representing, who have fought with me every step of the way, and who have waited interminably for justice. Yes, and I want to cast that vote in memory of my great-grandfather, Richard Holmes.

#### THE MILITARY FAMILIES FINANCIAL SECURITY ACT

**HON. SUSAN A. DAVIS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 2007*

Mrs. DAVIS of California. Madam Speaker, With the support of my colleague, Rep. JIM McDERMOTT, I rise today to introduce the Military Families Financial Security Act. This bill will ensure the brave men and women who serve our country will not have to worry about losing critical services their dependent children need.

The men and women who serve in our Armed Forces are everyday heroes. I know about the valor of military families from my own experience as a military wife when my

husband was stationed in Japan during the Vietnam War. As a wife and mother in a foreign country with two young children, I observed that many servicemembers were also mothers and fathers and were making the same sacrifices I was. Just as these brave men and women are working to protect our Nation, we must likewise protect them and their loved ones through the laws and policies we enact.

In San Diego and around the country, some military families rely on the Supplemental Security Income program (SSI) for means-tested financial assistance. This safety net program is designed to protect qualifying families from poverty and provides access to valuable social services such as Medicaid. Without SSI, some special-needs families would not be able to cover their medical expenses.

Current regulations threaten some military families' eligibility. They face a unique risk of losing benefits due to the way military pay is treated under SSI rules. The Social Security Administration (SSA) considers anything outside basic pay as "unearned income." This method hurts servicemembers and their families since there are more than 30 types of military pay in addition to basic pay. These different pays, considered unearned income, result in higher countable income and affect eligibility. Just a few dollars can make all the difference in the world to these military families.

My legislation would change how the SSA calculates income for SSI eligibility by treating most military compensation as earned income. This simple change will keep families eligible for SSI benefits and simplify the administration of this program.

In testimony before the Human Resources Subcommittee of the Ways and Means Committee, Social Security Commissioner JoAnne Barnhart has indicated her support for such a proposal.

The provision would treat cash military compensation and civilian wages alike, and thus eliminate the present unfair and disadvantageous treatment of cash military compensation other than basic pay under SSI. The proposal would increase SSI benefits for most military families with disabled children, which are currently about 3,000 families. It would be a significant program simplification in these cases and would have a relatively small program cost of only \$2 million over 10 years.

She also mentioned how "determining the difference in the types of military pay is time consuming and error prone, and the guidelines for making such determinations covers 14 pages in SSA's operating instructions."

As a proud member of the House Armed Services Committee, I am committed to improving the quality of life of the men and women who serve our country. This legislation is fair, overdue and demonstrates our Nation's appreciation. This legislation will give servicemembers peace of mind from knowing that their duties will not jeopardize their families' eligibility for SSI benefits and related services.

I urge you, Madam Speaker, and all of my colleagues to pass this critical legislation into law.

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S243–S312*

**Measures Introduced:** Twenty-nine bills were introduced, as follows: S. 206–234. **Pages S282–83**

**Ethics Bill:** Senate began consideration of S. 1, to provide greater transparency in the legislative process, taking action on the following amendments proposed thereto: **Pages S250–57, S258–74**

Pending:

Reid Amendment No. 3, in the nature of a substitute. **Pages S260–61**

Reid Amendment No. 4 (to Amendment No. 3), to strengthen the gift and travel bans. **Pages S261–64**

Vitter Amendment No. 5 (to Amendment No. 3), to modify the application of the Federal Election Campaign Act of 1971 to Indian tribes. **Pages S264–65**

Vitter Amendment No. 6 (to Amendment No. 3), to prohibit authorized committees and leadership PACs from employing the spouse or immediate family members of any candidate or Federal office holder connected to the committee. **Page S265**

Vitter Amendment No. 7 (to Amendment No. 3), to amend the Ethics in Government Act of 1978 to establish criminal penalties for knowingly and willfully falsifying or failing to file or report certain information required to be reported under that Act. **Pages S265–68**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:30 a.m., on Wednesday, January 10, 2007. **Page S310**

**Tributes to the Late President Ford—Agreement:** A unanimous-consent agreement was reached providing that tributes to the late President, Gerald Ford, be printed as a Senate document, and that Senators have until Thursday, February 15, 2007, to submit said tributes. **Page S310**

**Inspector General Nominations—Agreement:** A unanimous-consent agreement was reached providing that the nominations to the Office of Inspector General, except the Office of Inspector General of the Central Intelligence Agency, be referred in each case

to the committee having primary jurisdiction over the department, agency, or entity, and if and when reported in each case, then to the Committee on Homeland Security and Governmental Affairs for not to exceed 20 calendar days, except in cases when the 20-day period expires while the Senate is in recess, the committee shall have 5 additional calendar days after the Senate reconvenes to report the nomination, and that if the nomination is not reported after the expiration of that period, the nomination be automatically discharged and placed on the executive calendar. **Page S310**

**Bill Referral—Agreement:** A unanimous-consent agreement was reached providing that the Committee on Foreign Relations be discharged from further consideration of S. 198, to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations, and the bill be referred to the Committee on Armed Services. **Page S310**

**Nominations Received:** Senate received the following nominations:

Anthony C. Epstein, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Leslie Southwick, of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

Joseph S. Van Bokkelen, of Indiana, to be United States District Judge for the Northern District of Indiana.

John Preston Bailey, of West Virginia, to be United States District Judge for the Northern District of West Virginia.

Valerie L. Baker, of California, to be United States District Judge for the Central District of California.

Vanessa Lynne Bryant, of Connecticut, to be United States District Judge for the District of Connecticut.

Carol A. Dalton, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Thomas M. Hardiman, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

Heidi M. Pasichow, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Peter D. Keisler, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit.

Debra Ann Livingston, of New York, to be United States Circuit Judge for the Second Circuit.

Norman Randy Smith, of Idaho, to be United States Circuit Judge for the Ninth Circuit.

Mary O. Donohue, of New York, to be United States District Judge for the Northern District of New York.

Thomas Alvin Farr, of North Carolina, to be United States District Judge for the Eastern District of North Carolina.

Nora Barry Fischer, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Gregory Kent Frizzell, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma.

Philip S. Gutierrez, of California, to be United States District Judge for the Central District of California.

Marcia Morales Howard, of Florida, to be United States District Judge for the Middle District of Florida.

John Alfred Jarvey, of Iowa, to be United States District Judge for the Southern District of Iowa.

Frederick J. Kapala, of Illinois, to be United States District Judge for the Northern District of Illinois.

Sara Elizabeth Lioi, of Ohio, to be United States District Judge for the Northern District of Ohio.

Roslynn Renee Mauskopf, of New York, to be United States District Judge for the Eastern District of New York.

Liam O'Grady, of Virginia, to be United States District Judge for the Eastern District of Virginia.

Lawrence Joseph O'Neill, of California, to be United States District Judge for the Eastern District of California.

William Lindsay Osteen, Jr., of North Carolina, to be United States District Judge for the Middle District of North Carolina.

Halil Suleyman Ozerden, of Mississippi, to be United States District Judge for the Southern District of Mississippi.

Martin Karl Reidinger, of North Carolina, to be United States District Judge for the Western District of North Carolina.

James Edward Rogan, of California, to be United States District Judge for the Central District of California.

Thomas D. Schroeder, of North Carolina, to be United States District Judge for the Middle District of North Carolina.

Benjamin Hale Settle, of Washington, to be United States District Judge for the Western District of Washington.

Lisa Godbey Wood, of Georgia, to be United States District Judge for the Southern District of Georgia.

Otis D. Wright II, of California, to be United States District Judge for the Central District of California.

George H. Wu, of California, to be United States District Judge for the Central District of California.

Dabney Langhorne Friedrich, of Virginia, to be a Member of the United States Sentencing Commission for the remainder of the term expiring October 31, 2009 (Recess Appointment).

Beryl A. Howell, of the District of Columbia, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2011 (Recess Appointment).

John R. Steer, of Virginia, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2011 (Recess Appointment).

James F. X. O'Gara, of Pennsylvania, to be Deputy Director for Supply Reduction, Office of National Drug Control Policy.

William W. Mercer, of Montana, to be Associate Attorney General.

Steven G. Bradbury, of Maryland, to be an Assistant Attorney General.

Andrew J. McKenna, Jr., of Illinois, to be a Member of the National Security Education Board for a term of four years.

Michael J. Burns, of New Mexico, to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.

Anita K. Blair, of Virginia, to be an Assistant Secretary of the Air Force.

Michael W. Tankersley, of Texas, to be Inspector General, Export-Import Bank.

Scott A. Keller, of Florida, to be an Assistant Secretary of Housing and Urban Development.

Enrique J. Sosa, of Florida, to be a Member of the Reform Board (Amtrak) for a term of five years.

Charles Darwin Snelling, of Pennsylvania, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term expiring May 30, 2012.

Jane C. Luxton, of Virginia, to be Assistant Secretary of Commerce for Oceans and Atmosphere.

Floyd Hall, of New Jersey, to be a Member of the Reform Board (Amtrak) for a term of five years.

Warren Bell, of California, to be a Member of the Board of Directors of the Corporation for Public



Broadcasting for a term expiring January 31, 2012 (Recess Appointment).

Kevin M. Kolevar, of Michigan, to be an Assistant Secretary of Energy (Electricity Delivery and Energy Reliability).

John Ray Correll, of Indiana, to be Director of the Office of Surface Mining Reclamation and Enforcement.

William Ludwig Wehrum, Jr., of Tennessee, to be an Assistant Administrator of the Environmental Protection Agency.

Roger Romulus Martella, Jr., of Virginia, to be Assistant Administrator of the Environmental Protection Agency.

Alex A. Beehler, of Maryland, to be Inspector General, Environmental Protection Agency.

John L. Palmer, of New York, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years.

John L. Palmer, of New York, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years.

Irving A. Williamson, of New York, to be a Member of the United States International Trade Commission for the term expiring June 16, 2014.

Catherine G. West, of the District of Columbia, to be a Member of the Internal Revenue Service Oversight Board for a term expiring September 14, 2008.

John L. Palmer, of New York, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years.

Dean A. Pinkert, of Virginia, to be a Member of the United States International Trade Commission for the term expiring December 16, 2015.

Thomas R. Saving, of Texas, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years.

Thomas R. Saving, of Texas, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years.

Thomas R. Saving, of Texas, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years.

Daniel Meron, of Maryland, to be General Counsel of the Department of Health and Human Services.

Peter E. Cianchette, of Maine, to be a Member of the Internal Revenue Service Oversight Board for a term expiring September 14, 2010.

Andrew G. Biggs, of New York, to be Deputy Commissioner of Social Security for the term expiring January 19, 2013.

Michael J. Astrue, of Massachusetts, to be Commissioner of Social Security for a term expiring January 19, 2013.

Ellen R. Sauerbrey, of Maryland, to be an Assistant Secretary of State (Population, Refugees, and Migration).

Stanley Davis Phillips, of North Carolina, to be Ambassador to the Republic of Estonia.

Hector E. Morales, of Texas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2010.

Mark McKinnon, of Texas, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2009 (Recess Appointment).

Margrethe Lundsager, of Virginia, to be United States Executive Director of the International Monetary Fund for a term of two years.

James R. Kunder, of Virginia, to be Deputy Administrator of the United States Agency for International Development.

Richard E. Hoagland, of the District of Columbia, to be Ambassador to the Republic of Armenia.

D. Jeffrey Hirschberg, of Wisconsin, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2007.

C. Boyden Gray, of the District of Columbia, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador.

Sam Fox, of Missouri, to be Ambassador to Belgium.

Curtis S. Chin, of New York, to be United States Director of the Asian Development Bank, with the rank of Ambassador.

Katherine Almquist, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

Ron Silver, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2009.

Leon R. Sequeira, of Virginia, to be an Assistant Secretary of Labor.

David Palmer, of Maryland, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2011.

Dennis P. Walsh, of Maryland, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2009.

Judy Van Rest, of Virginia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2009.

Richard Stickler, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

Patricia Mathes, of Texas, to be a Member of the National Institute for Literacy Advisory Board for a term expiring November 25, 2007.

Peter N. Kirsanow, of Ohio, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2008.

Arlene Holen, of the District of Columbia, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2010.

Richard Allan Hill, of Montana, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring June 10, 2009.

Michael F. Duffy, of the District of Columbia, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2012.

Paul DeCamp, of Virginia, to be Administrator of the Wage and Hour Division, Department of Labor.

Ellen C. Williams, of Kentucky, to be a Governor of the United States Postal Service for a term expiring December 8, 2016.

Julie L. Myers, of Kansas, to be Assistant Secretary of Homeland Security.

Susan E. Dudley, of Virginia, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget.

Gregory B. Cade, of Virginia, to be Administrator of the United States Fire Administration, Department of Homeland Security.

Wayne Cartwright Beyer, of New Hampshire, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 2010 (Recess Appointment).

John A. Rizzo, of the District of Columbia, to be General Counsel of the Central Intelligence Agency.

Rosemary E. Rodriguez, of Colorado, to be a Member of the Election Assistance Commission for the remainder of the term expiring December 12, 2007.

Steven T. Walther, of Nevada, to be a Member of the Federal Election Commission for a term expiring April 30, 2009.

Hans von Spakovsky, of Georgia, to be a Member of the Federal Election Commission for a term expiring April 30, 2011.

David M. Mason, of Virginia, to be a Member of the Federal Election Commission for a term expiring April 30, 2009.

Robert D. Lenhard, of Maryland, to be a Member of the Federal Election Commission for a term expiring April 30, 2011.

Caroline C. Hunter, of Florida, to be a Member of the Election Assistance Commission for a term expiring December 12, 2009.

Carl Joseph Artman, of Colorado, to be an Assistant Secretary of the Interior.

Thomas E. Harvey, of New York, to be an Assistant Secretary of Veterans Affairs (Congressional Affairs).

5 Army nominations in the rank of general.

A routine list in the Coast Guard. **Pages S310–12**

**Messages From the House:** **Page S281**

**Measures Referred:** **Page S281**

**Executive Communications:** **Page S282**

**Additional Cosponsors:** **Page S283**

**Statements on Introduced Bills/Resolutions:**  
**Pages S283–S300**

**Amendments Submitted:** **Pages S300–09**

**Authorities for Committees to Meet:**  
**Pages S309–10**

**Adjournment:** Senate convened at 10:00 a.m., and adjourned at 7:32 p.m., until 9:30 a.m., on Wednesday, January 10, 2006. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S310.)

## Committee Meetings

(Committees not listed did not meet)

### IRAQ

*Committee on Foreign Relations:* Committee met in closed session to receive a briefing to examine issues relating to Iraq from members of the intelligence community.

### 9/11 COMMISSION RECOMMENDATIONS IMPLEMENTATION

*Committee on Homeland Security and Governmental Affairs:*

Committee concluded a hearing to examine ensuring full implementation of the 9/11 Commission's recommendations, after receiving testimony from former Senator Slade Gorton, former Representatives Lee H. Hamilton and Timothy J. Roemer, all former Commissioners, National Commission on Terrorist Attacks Upon the United States; Mayor Michael R. Bloomberg, and Carie Lemack, Families of September 11, both of New York, New York; James M. Thomas, Connecticut Department of Emergency Management and Homeland Security, Hartford; Joseph C. Carter, International Association of Chiefs of Police, Alexandria, Virginia; and Mary A. Fetchet, and Carol Ashley, both of the Voices of September 11th, New Canaan, Connecticut.

# House of Representatives

## Chamber Action

**Public Bills and Resolutions Introduced:** 40 public bills, H.R. 321–360; 2 private bills, H.R. 240, 300; and 10 resolutions, H. Con. Res. 19–21; and H. Res. 38–44 were introduced. **Pages H251–53**

**Additional Cosponsors:** **Page H253**

**Reports Filed:** There were no reports filed today.

**Speaker:** Read a letter from the Speaker wherein she appointed Representative Hinojosa to act as Speaker Pro Tempore for today. **Page H125**

**Recess:** The House recessed at 10:40 a.m. and reconvened at 12 noon. **Page H125–26**

**Suspension—Proceedings Postponed:** The House began consideration of a motion to suspend the rules and agree to the following measure. Subsequently, the motion was withdrawn. Further proceedings were postponed until later in the day. **Page H128**

*Mourning the passing of President Gerald Rudolph Ford and celebrating his leadership and service to the people of the United States:* H. Res. 15, amended, to mourn the passing of President Gerald Rudolph Ford and celebrate his leadership and service to the people of the United States (agreed by unanimous consent to extend the time for debate). **Pages H128–32**

**Implementing the 9/11 Commission Recommendations Act of 2007:** The House passed H.R. 1, to implement the 9/11 Commission recommendations, by a Recorded vote of 299 ayes to 128 noes, Roll No. 15. **Pages H132–99, H209–22**

Rejected the Ros-Lehtinen motion to recommit the bill to the Committee on Foreign Affairs with instructions to report the same back to the House forthwith with amendments, by a Recorded vote of 198 ayes to 230 noes, Roll No. 14. **Pages H219–21**

Title V of H. Res. 6, the portion of the rule providing for consideration of the bill, was agreed to on Friday, January 5.

**Enhancing Intelligence Oversight Authority:** The House agreed to H. Res. 35, to enhance intelligence oversight authority, by a recorded vote of 239 ayes to 188 noes, Roll No. 13. **Pages H199–H209**

Rejected the Dreier motion to recommit the resolution to the Committee on Rules, by a Yea-and-Nay vote of 195 yeas to 232 nays, Roll No. 12. **Pages H208–09**

Title V of H. Res. 6, the portion of the rule providing for consideration of the bill, was agreed to on Friday, January 5.

**Suspension—Proceedings Postponed:** The House debated the following measure under suspension of the rules. Further proceedings were postponed until Wednesday, January 10. **Page H222**

*Mourning the passing of President Gerald Rudolph Ford and celebrating his leadership and service to the people of the United States:* H. Res. 15, amended, to mourn the passing of President Gerald Rudolph Ford and celebrate his leadership and service to the people of the United States (agreed by unanimous consent to extend the time for debate). **Pages H222–28**

**Quorum Calls—Votes:** One Yea-and-Nay vote and three recorded votes developed during the proceedings of today and appear on pages H208–09, H209, H221, H221–22. There were no quorum calls.

**Senate Message:** Message received from the Senate today appears on page H126.

**Senate Referrals:** S. 197 was referred to the Committee on the Judiciary. **Page H250**

**Adjournment:** The House met at 10:30 a.m. and adjourned at 11:14 p.m.

## Committee Meetings

No committee meetings were held.

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## COMMITTEE MEETINGS FOR WEDNESDAY, JANUARY 10, 2007

(Committee meetings are open unless otherwise indicated)

### Senate

*Committee on Agriculture, Nutrition, and Forestry:* to hold hearings to examine agriculture and rural America's role in enhancing national energy security, 9:30 a.m., SR–328A.

*Committee on Armed Services:* to receive a closed briefing regarding U.S. military action in Somalia, 2 p.m., SR–222.

*Committee on Energy and Natural Resources:* to hold hearings to examine global oil supplies and what it means for U.S. economic and national security, focusing on U.S. dependence on imported oil, the rapid growth in oil consumption in emerging economies such as China and India and what it means for U.S. energy security, how political stability in the Middle East could affect future oil supplies, and the implications of recent developments in the Russian energy sector for U.S. and global energy security, 9:45 a.m., SDG–50.

*Committee on Finance:* to hold hearings to examine tax incentives for businesses in response to a minimum wage increase, 10 a.m., SD–215.

*Committee on Foreign Relations:* to hold hearings to examine securing America's interests and the current situation in Iraq, 9:30 a.m., SH-216.

*Committee on Health, Education, Labor, and Pensions:* to hold hearings to examine challenges and opportunities relating to health care for all Americans, 10 a.m., SD-430.

*Committee on the Judiciary:* to hold hearings to examine balancing privacy and security, focusing on the privacy implications of government data mining programs, 9:30 a.m., SD-226.

*Select Committee on Intelligence:* closed business meeting to consider pending calendar business, 2:30 p.m., SH-219.

### House

*Committee on Armed Services,* to meet for organizational purposes, 2 p.m., 2118 Rayburn.

*Committee on Energy and Commerce,* to meet for organizational purposes, 11 a.m., 2123 Rayburn.

*Next Meeting of the SENATE*

9:30 a.m., Wednesday, January 10

## Senate Chamber

**Program for Wednesday:** After the transaction of morning business (not to extend beyond 60 minutes), Senate will continue consideration of S. 1, Ethics Bill.

*Next Meeting of the HOUSE OF REPRESENTATIVES*

10 a.m., Wednesday, January 10

## House Chamber

**Program for Wednesday:** Consideration of H.R. 2—Fair Minimum Wage Act of 2007.

## Extensions of Remarks, as inserted in this issue

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